

Planning Applications Committee Agenda



9.30 am Wednesday, 5 June 2019
Committee Room No. 2, Town Hall,
Darlington. DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Appointment of Chair
2. Appointment of Vice Chair
3. To consider times of meetings of this Committee for the Municipal Year 2019/20, on the dates as agreed on the calendar of meetings by Cabinet at Minute C110/Feb/19
4. Introductions/Attendance at Meeting
5. Declarations of Interest
6. Minutes (Pages 1 - 22)
7. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
8. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 23 - 24)
 - (a) Field At OSGR E425124 N514093, Gate Lane, Low Coniscliffe (Pages 25 - 58)
 - (b) Site At Mount Pleasant Farm And Stag House Farm, Newton Lane, Darlington (Pages 59 - 74)
9. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

10. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 28 May 2019

Town Hall
Darlington.

Membership

Councillors Allen, Baldwin, Clarke, Heslop, Howarth, Johnson, Mrs D Jones, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

PLANNING APPLICATIONS COMMITTEE

Wednesday, 20 March 2019

PRESENT – Councillors Baldwin (Chair), Galletley, Heslop, Johnson, Knowles, Lee, Lister, Storr, C Taylor, J Taylor and Tostevin

APOLOGIES – Councillors Lyonette and K Nicholson,

ABSENT – Councillors Kelley

ALSO IN ATTENDANCE – Councillors

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Lisa Hutchinson (Principal Planning Officer), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)) and Shirley Burton (Democratic Manager)

PA67 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA68 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 20 FEBRUARY 2019

RESOLVED – That the Minutes of this Committee held on 20 February 2019 be approved as a correct record.

PA6 9 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
E2	A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works

	<p>commencing and, upon approval of such schemes, 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, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - In the interests of the visual amenities of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^N; Reason - To define the consent.</p>

PA70 MOWDEN HALL, STAINDROP ROAD, DARLINGTON

18/00989/FUL - Proposed residential development consisting of 30 residential units (Additional Geotechnical Report and Phase 1 Ground Investigation Report received 6 and 11 December 2018; amended and additional plans and information received 17 December 2018, 7 January 2019, 10 January 2019, 11 January 2019, 16 January 2019 and 17 January 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and one objector, both of whom Members heard and the findings a site visit which had been held).

RESOLVED – (a) That the Director of Economic Growth and Neighbourhood Services be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate for the development covering:-

- Offsite affordable housing (£369,000)
- Sustainable transport contribution to improve pedestrian facilities on Staindrop Road, in the vicinity of the site (£25,500)
- Sport & Recreation including 10 year maintenance contribution for improving and maintaining the new sport pitches on Staindrop Road (£8,988)
- An open space management and maintenance plan

(b) That upon satisfactory completion and signing of the above agreement,

planning permission be granted subject to the following conditions :-

General

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

Reason - In the interests of achieving an improved rate of housing delivery in the Borough.

Materials

2. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled External Finishes Schedule – Document Number E037-GTPN-XX-XX-SC-W-XX-001 and Drawing Number MHD-519-ZZ-XX-D-A-9009 Rev P1 “Proposed Brick Finishes Plan” unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual appearance of the development and to safeguard the setting of the Grade II Listed Building (Mowden Hall).

Enclosures

3. No dwellings hereby approved shall be erected above damp proof course until precise details of the new enclosures at Mowden Hall Drive and High Green entrances shall be submitted to and approved, in writing, by the local planning authority. The details shall include the design, location and choice of materials for the new enclosures and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the visual appearance of the development and the surrounding area

Flood Risk and Drainage

4. The development hereby approved shall not commence on site other than those works shown Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 “Enabling Works Extents” 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:
 - (a) Detailed design of the surface water management system;
 - (b) A build program and timetable for the provision of the critical surface water drainage infrastructure;
 - (c) A management plan detailing how surface water runoff from the site will be managed during the construction phase;
 - (d) Details of adoption responsibilities.

Reason -To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the document entitled “Mowden Hall, Darlington. Flood Risk and Drainage Impact Assessment for Galliford Try Partnership North” produced by F Benrley-Gold and dated December 2018 and the following mitigation measures detailed within the FRA

- (a) Attenuate runoff to the greenfield runoff rate of 5l/s
- (b) Discharge location to be NWL surface water sewer

The mitigation measures shall be fully implemented prior to the occupation and

subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

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

6. The buildings hereby approved shall not be brought into use until:-

- 1) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;
- 2) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

Reason - To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

Trees

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled “Arboricultural Method Statement (Version 3)” dated January 2019 and produced by The Environment Partnership unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the visual appearance of the development and surrounding area.

Amenity

8. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled “Mowden Hall, Darlington, Site Management Methodology” dated December 2018 and produced by Galliford Try Partnerships and Drawing Number SITE SETUP—01 Site Set Up and Traffic Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the residential amenity and highway safety.

9. Notwithstanding the information in the Site Management Methodology document by Galliford Try dated December 2018, construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority.

Reason - In the interests of residential amenity.

Highways

10. No dwellings hereby approved shall be erected above damp proof course level until precise details of the works within the public highway on High Green and Mowden Hall Drive have been submitted to and approved in writing by the Local Planning Authority. The details shall include dropped kerbs, footways, tactile paving, and additional signage and road markings. The development shall not be carried out otherwise than in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

Landscape and Ecology

11. The submitted landscaping scheme, as shown on Drawing Number N771-

ONE-ZZ-XX-DR-L-0201 Rev PO8 shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

Reason - In the interests of the visual amenities of the area.

12. Notwithstanding the requirements of condition 12 above, the two Lime trees which form part of the Tree Group GD of the Darlington Borough Council Variation Order No. 1 2012 in respect of the County Borough of Darlington Tree Preservation No. 1 Order 1951 (adjacent to Plot 12 on Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 Site Plan as proposed and denoted as T19 and T20 on Drawing Number MHD-A519-ZZ-XX-D-A9002 Rev P5 Site Plan proposed tree removal) shall be retained and incorporated into the landscaping scheme for the approved development.

Reason – In the interests of the visual amenities of the area.

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the details contained within the document “Mowden. Landscape Management Plan” produced by One Environments Limited dated October 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the visual appearance and enhancing the ecological nature of the site and the surrounding area.

14. Prior to the occupation of the first dwelling, precise details as to how the land and trees and hedges between the proposed boundary fences of Plot Numbers 1 and 6 to 12 and the existing dwellings on Hall View Grove and Edgecombe Grove shall be submitted to and approved in writing by the Local Planning Authority and future maintenance shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of achieving a satisfactory form of development.

15. The development shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled “Mowden Hall. Darlington. Ecological Assessment” produced by the Environment Partnership dated July 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of enhancing the ecological nature of the development.

16. The development hereby approved shall not be carried out otherwise than in complete accordance with the ecological mitigation measures (location of bird and bat boxes) shown on Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 “Site Plan as Proposed” unless otherwise agreed in writing by the Local Planning Authority. Thereafter the bird and bat boxes as approved shall be maintained on site for the lifetime of the development.

Reason - In the interest of enhancing the ecological nature of the development.

Heritage Asset Matters

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no development within Schedule 2, Part 1, Classes A, B, D, E, G, H of that Order shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason - In order to safeguard the significance of Mowden Hall which is a Grade II listed building.

Contaminated Land

18. The development hereby approved shall not commence on site other than those works shown Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 "Enabling Works Extents" until a Phase 3 Remediation and Verification Strategy has been prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

20. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be

occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

21. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
- (a) Drawing Number N771-ONE-ZZ-XX-DR-L-0201 Rev PO8 Landscape Proposals
 - (b) Drawing Number MHD-519-HT7-XX-DR-A-2001 Rev P2 Proposed House Type Cottingham
 - (c) Drawing Number MHD-519-HT4-XX-DR-A-2001 Rev P6 Proposed House Type Mountford
 - (d) Drawing Number MHD-519-HT3-XX-DR-A 2001 Rev P7 Proposed House Type 1001
 - (e) Drawing Number MHD-519-HT1-XX-DR-A 2001 Rev P6 Proposed House Type 304
 - (f) Drawing Number MHD-519-HT5-XX-DR-A 2001 Rev P6 Proposed House Type Goodridge
 - (g) Drawing Number MHD-519-HT6-XX-DR-A-2001 Rev P6 Proposed oHoise Type MylnmeHouse House Type Mylne
 - (h) Drawing Number P17-542-3E-00-XX-DR-C-2000 - Rev P2 Proposed Levels Sheet 1 of 2
 - (i) Drawing Number P17-542-3E-00-XX-DR-C-2001- Rev P2 Proposed Levels Sheet 2 of 2
 - (j) Drawing Number D7167.001 Tree Constraints Plan Existing
 - (k) Drawing Number SITE SETUP—01 Site Set Up and Traffic Management Plan
 - (l) Drawing Number P17-524-3E-00-XX-DR-C-1000 Rev P2 Proposed Drainage Layout
 - (m) Drawing Number MHD- A519-ZZ-XX-D-A9002 Rev P5 Site Plan Proposed Tree Removal
 - (n) Drawing Number MHD-519-ZZ-XX-D-A 9004 Rev P5 Proposed Boundary Treatment
 - (o) Drawing Number MHD-519-ZZ-XX-D-A-9006 Rev P5 Site Sections as Proposed
 - (p) Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 Site Plan as Proposed
 - (q) Drawing Number P17-542-3E-00-XX-DR-C-0001 Rev P1 Flood Flow Routes Plan
 - (r) Drawing Number P17-542-3E-00-XX-DR-C-0002 Rev P1 Drainage Maintenance Plan
 - (s) Drawing Number MHD-519-ZZ-XX-D-A-9003 Rev P3 Site Location Plan
 - (t) Drawing Number MHD-519-ZZ-XX-D-A- 9009 Rev P1 Proposed Brick Finishes
 - (u) Drawing Number MHD-519-ZZ-XX-D-A-9010 Management Company Site

Layout

- (v) Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 Enabling Works Extents

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

(c) That, should the Section 106 Agreement be not completed within 6 months without the written consent of the Local Planning Authority to extend this time (the decision as to whether or not time is to be extended is delegated to Officers), the permission shall be refused without any further reference to the Planning Committee on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Core Strategy Policy CS4 (Developer Contributions) namely :-

the proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan document 2011 as adequate provision has not been made for affordable housing, improving and enhancing walking routes in the vicinity of the site in order to mitigate the impact of the proposed development.

PA71 FIELD AT OSGR E425124 N514093, GATE LANE, LOW CONISCLIFFE

18/01151/FUL – Application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 24 (Restriction of Permitted Development Rights); condition 35 (accordance with plans) and removal of condition 11 (visibility splays) of planning permission reference number 16/01231/FUL dated 22 February 2018 (residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping) to permit the substitution of house types and revisions to the layout, open space, vehicular access arrangements and landscaping scheme (amended plan received 14 February 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of two objectors and the objections of Low Coniscliffe and Merrybent Parish Council, all of whom Members heard).

The Parish Councillor informed Committee that he had received two letters from HM Land Registry which he claimed contradicted the Ownership Certificate completed by the applicant. The Planning Officer advised Members that the Council was obliged to ensure that the Certificate was completed accurately.

RESOLVED – That, to enable further clarification to be sought on the land ownership issues, consideration of this application be deferred.

PA72 FIELD TO THE EAST OF OAK TREE INN, YARM ROAD, OAK TREE, MIDDLETON ST GEORGE, DARLINGTON

19/00040/FUL – Erect 12 dwellings and access roads and other infrastructure. Variation of condition 3 (approved plans) attached to planning permission

18/00591/FUL to permit the substitution of house types and minor changes to the layout.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of Middleton St George parish Council, both of whom Members heard).

RESOLVED – (a) That, subject to the completion of a Deed of Variation of the Section 106 Agreement dated 21st December 2018 and subject to the obligations contained therein, planning permission be granted subject to the following conditions :-

1. The development hereby permitted shall be commenced not later than 19 June 2012.

Reason – Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

2. B4 – Materials

3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Site layout plan – 1853/001F Revision F

House detail plans – 1853/003, 1853/004A and 1853/005A

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

4. E2 – Landscaping

5. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. This shall include a plan showing the location of the units. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:

(a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

(b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);

(c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

(d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;

(e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason – To comply with the requirements of the local Development Plan.

6. Precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of the existing footway along the north-south section of Oak Tree Close to 2.0m wide, the addition of a new footway along the frontage of the development on the east-west section of Oak Tree Close at 2.0m wide (measured between restraints) connecting into the surrounding infrastructure and the new site access junction and linking footways. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of highway safety.

7. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

Reason – In the interests of residential amenity.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. 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;
- 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 adoption responsibilities.

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

10. The buildings hereby approved shall not be brought into use until:-
 - I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;
 - II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

Reason - To reduce flood risk and ensure satisfactory long term maintenance

are in place for the lifetime of the development.

(b) That, should the 106 agreement not be completed within the prescribed period without written consent of the Council to extend this time (the decision as to whether or not time is to be extended is delegated to officers), the permission shall be refused without any further reference to the Planning Committee on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Core Strategy Policy CS4 (Developer Contributions), namely :-

The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for improving sustainable transport and public transport facilities in the locality of the application site in order to mitigate the impact of the proposed development.

PA73 FIELD AT OSGR E435307 N513463 YARM ROAD, MIDDLETON ST GEORGE, DARLINGTON

17/01195/OUT – Outline planning application for the erection of up to 330 residential dwellings with associated landscaping and engineering works, 3 retail units and provision of a new single form Primary School.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

RESOLVED – (a) That the previous decision of this Committee at Minute PA57(1)/Jan/19 be rescinded and that the Director of Economic Growth and Neighbourhood Services be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate for the development covering :-

- i) strategic network improvements;
- ii) gifting of school site to the Council for provision of a single form primary school in lieu of a financial education contribution;
- iii) sustainable transport contribution;
- iv) provision of one bus pass per dwelling.

(b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

1. Approval of the following details ('the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

The development shall not be carried other than in accordance with the

approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of eighteen months from the date of this permission.

Reason – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

2. The development hereby permitted shall be begun either before the expiration of;
 - (a) three years from the date of this permission, or
 - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.

3. PL (Accordance with plans)
 - Y81:1054.06 Revision D Developable areas
 - Y81.1054.05 Revision D Illustrative masterplan

4. E3 Landscaping (Implementation)

5. No development shall take place on the western section of the application site (to the west of Middleton Back Road) until the existing industrial/ haulage uses have fully ceased operation.

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

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The 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 provider [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 Council Housing Policy.

7. The development hereby approved, as it affects that part (or phase) of the site to be developed, 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 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 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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

8. 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 11th December 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 section 10.6 and 10.7 stating a post development discharge limit of 224.3l/s (subject to condition below).
- Further, the applicant shall demonstrate that the existing positive drainage network is currently operable. Otherwise, the existing impermeable area shall be considered as greenfield for the pre-development run-off calculations.

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

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

9. 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.

10. Development, as it affects that part (or phase) of the site to be developed, shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved, has been submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall not take place otherwise than in complete accordance with the approved details.

Reason – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, a Demolition and Construction

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following:

- (a) Methods for controlling dust from the construction activities on site. These have already been outlined in the Miller Goodall Air Quality Assessment submitted with the application and should be incorporated into the CMP as part of the measures necessary to control dust on the site;
- (b) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014;
- (c) Methods for controlling noise and vibration during the demolition and construction phase7. which shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
- (d) Construction Traffic Routes, including parking areas for staff and visitors;
- (e) Details of wheel washing;
- (f) Road Maintenance;
- (g) Warning signage;
- (h) Details of parking for show homes.

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

12. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

13. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically

and in writing.

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

14. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

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

15. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

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

16. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development as it affects that part (or phase) of the site to be developed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local

Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

17. For each phase of development, prior to, or at the same time as any reserved matters application, relating to layout, scale, appearance and landscaping, a noise impact assessment and a scheme to protect any noise sensitive receptors from excessive noise, undertaken by a suitably qualified acoustic consultant shall be submitted to and approved in writing by, the Local Planning Authority. The scope of the report, including the relevant noise sources to be considered and noise sensitive receptors shall be agreed in advance with the Local Planning Authority. Any works which form part of a mitigation scheme outlined in the noise impact assessment shall be completed prior to any part of the development being first occupied or used, or within an alternative timescale to be agreed with the Local Planning Authority. This requirement can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts will arise for each phase.

Reason – In the interests of residential amenity.

18. Construction and demolition 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.

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

Reason – In the interests of highway safety.

20. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason- In the interests of highway safety.

21. 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 dropped kerbs, footways to the development frontage to connect into the surrounding infrastructure, tactile paving, improvements to visibility splays, junctions, roundabout, bus stops traffic calming and signage/road markings. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interest of highway safety.

22. Prior to the commencement of any development on the western section of the application site (to the west of Middleton Back Road) details of the footpath entrance from Chapel Street, including details of the timing of the works to implement the link, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details.

Reason – To achieve satisfactory pedestrian access provision in the interests

of connectivity.

23. 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.

24. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

Reason - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

25. Prior to the commencement of the development hereby approved, as it affects that part (or phase) of the site to be developed, details of pedestrian links within the site to connect to existing surrounding infrastructure, to improve the permeability of the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason – To ensure a satisfactory form of development.

26. No development, as it affects that part (or phase) of the site to be developed, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii) Post-fieldwork methodologies for assessment and analyses;
- iv) Report content and arrangements for dissemination, and publication proposals;
- v) Archive preparation and deposition with recognised repositories;
- vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

Reason – To comply with para 197 and 199 of the NPPF because the site is of archaeological interest.

27. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

shall be deposited at the County Durham Historic Environment Record.

Reason – To comply with para 199 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

28. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, 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.

29. 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, as it affects that part (or phase) of the site to be developed. 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.

30. Prior to the commencement of the development, as if affects that part (or phase) of the site to be developed, details of a scheme to prevent vehicular access from the development northwards underneath the railway structure shall be submitted to, and approved in writing by the Local Planning Authority, in conjunction with Network Rail. 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.

31. 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.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. 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.

33. Prior to the commencement of the development hereby permitted, as it affects that part (or phase) of the site to be developed, 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.

34. The mitigation measures set out in the Ecological Impact Assessment prepared by Naturally Wild (SHA-17-06 September 2018) shall be implemented in full. In addition, no development shall take place until precise

details of a landscaping scheme to mitigate for the loss of habitat on the site and for the provision of bat roosting and bird nesting opportunities on the site have 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 and maintained for the lifetime of the development.

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

35. No tree or hedgerow removal or works to buildings shall take place within the bird breeding season (March to August 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.

36. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, a detailed survey of trees to be affected by the development (both within the site and adjoining its boundary) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment;

Reason – To ensure a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

37. The retail floorspace shall comprise three self-contained units of 500 square metres gross each, and thereafter no amalgamation to larger units shall take place without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

Reason – To ensure that the proposed retail units meet local needs.

38. The retail units hereby approved shall only be used for A1 (Shops), A2 (Financial and professional services) or A3 (Restaurants and Cafes) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

Reason – To ensure that the proposed retail units meet local needs and to allow the Local Planning Authority to retain control over the uses within the site in the interests of residential amenity.

39. The use of the retail units 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.

40. No development in connection with the retail units 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 parking 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.

41. No external plant, equipment or machinery shall be installed as part of the proposed retail units 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.

42. Deliveries to and the collection of waste from the retail units hereby permitted shall only 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.

(b) That, should the 106 agreement not be completed within this prescribed period without written consent of the council to extend this time, the minded to approve status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of core strategy Policy CS4 (Developer Contributions), without any further reference to the Planning Committee, namely :-

The proposed development would be contrary to Policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for strategic highway network improvements, sustainable transport and education in order to mitigate the impact of the proposed development.

PA74 NOTIFICATION OF DECISION ON APPEALS

The Director of Economic Growth and Neighbourhood Services reported that, Inspectors, appointed by the Secretary of State for the Environment, have dismissed the appeal by Mr J Singh against this Authority's decision to refuse permission for a change of use of ground floor of dwelling house (Use Class C3) to local convenience store (Use Class A1) with living accommodation above and erection of single storey rear extension to form part of shop and associated internal and external alterations (Revised scheme) at 201 Greenbank Road, Darlington,

DL3 6EY (Ref: 18/00672/FUL)
(Copy of Inspector's decision letter enclosed)

RESOLVED - That the report be received.

PA75 NOTIFICATION OF APPEALS

The Director of Economic Growth and Neighbourhood Services reported that :-

- (a) Mr Paul Gibson had appealed against this Authority's decision to refuse permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of conditions 2 (garages to be used incidental to the main dwelling) and 3 (living accommodation not to be occupied, let or otherwise disposed of as a separate dwelling) at The Annexe, Spa Wells, Low Dinsdale, Darlington, DL2 1PL. (18/01064/FUL).
- (b) Mr Jesbir Singh had appealed against this Authority's decision to refuse permission for Variation of condition 7 (Opening Hours) of planning permission 14/00563/FUL allowed on appeal APP/N1350/A/14/2228133 dated 23 January 2015 (Change of use from shop (Use Class A1) to hot food takeaway (A5) and external alterations) to permit opening hours from 11.30 - 22.00 Friday and Saturday and 12.00 - 21.00 on Sundays and Bank Holidays, at 15 Belvedere Road, Darlington, DL1 5EP. (18/00376/FUL).
- (c) Mr Marcus Nimmo had appealed against this Authority's decision to refuse permission for the Erection of detached garage at Creebeck House, Roundhill Road, Hurworth Moor, Darlington, DL2 1QD. (18/00765/FUL).

RESOLVED - That the report be received.

PA76 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA77 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 6 MARCH 2019 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA66/Feb/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 6 March 2019.

RESOLVED - That the report be noted.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 5 June 2019 - 9.30AM

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

Index of applications contained in this Schedule are as follows:-

Address/Site Location	Reference Number
Field At OSGR E425124 N514093, Gate Lane LOW CONISCLIFFE	18/01151/FUL
Site At Mount Pleasant Farm And Stag House Farm Newton Lane, DARLINGTON	19/00182/RM1

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 June 2019

APPLICATION REF. NO:	18/01151/FUL
STATUTORY DECISION DATE:	29 March 2019
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Field at OSGR E425124 N514093, Gate Lane Low Coniscliffe
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 24 (Restriction of Permitted Development Rights); condition 35 (accordance with plans) and removal of condition 11 (visibility splays) of planning permission reference number 16/01231/FUL dated 22 February 2018 (residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping) to permit the substitution of house types and revisions to the layout, open space, vehicular access arrangements and landscaping scheme (amended plan received 14 February 2019)
APPLICANT:	Robertson Homes

Members will recall that this planning application was deferred from the Planning Applications Committee on 20th March 2019 to enable officers to consider documentation which a Parish Councillor of Low Coniscliffe Parish Council informed the Committee he held relating to the ownership of the application site.

Officers have subsequently met with Members of the Parish Council and the Action Committee and further letters have been submitted to the Council on behalf of the Parish Council which Officers have also considered. Officers are of the opinion that the application has been correctly made and that the correct consultation procedures have been carried out both in terms of certification of ownership of the application site and in terms of the wider community.

If any aspect of the ownership of the boundary hedge or the adjacent land becomes an area of dispute then it is open to the person disputing ownership to take civil action to prevent the development proceeding. The planning process does not determine ownership of land.

Officers are of the opinion that the application can now proceed for Members to make a decision.

APPLICATION AND SITE DESCRIPTION

The application site comprises two fields to the north and east of Low Coniscliffe. The two fields are separated by an existing field boundary but the overall site measures approximately 3.3 hectares and it is currently used for the grazing of horses. The site is bounded by the A67 to the north; a tributary of the Baydale Beck to the east, the River Tees to the south and the village of Low Coniscliffe to the west. The site is bounded by mature trees and hedges to the north and west and woodland areas to the east and south. The site is accessible off Gate Lane by a field gate and also from the A67 via the entrance to a Public Right of Way (Footpath No 6 - the Teesdale Way) that runs in an east west direction through the site. Five trees within and on the edge of the site are covered by Tree Preservation Order (No. 3) 2017.

Low Coniscliffe lies approximately 3 miles to the west of Darlington Town Centre. A modern housing development known as Merrybent Drive lies to the North West on the opposite side of the A67 beyond which lies Merrybent village. The Baydale Beck Public House and Broken Scar Water Treatment Works lie to the east.

Planning permission (ref no: 16/01231/FUL) was granted by Members of the Planning Applications Committee subject to a Section 106 Agreement and issued in February 2018, to redevelop the site for residential purposes comprising 37 detached dwellings. This planning permission remains “live” and could be implemented subject to the discharge of the planning conditions.

This planning application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 35 attached to planning permission reference number 16/01231/FUL to seek permission for a number of revisions to the approved scheme. The revised proposal involves:

- Changes to the design of the house types and parking arrangements;
- The removal of detached garages and the use of integral garages;
- Revisions to plot positions and the orientation of dwellings within;
- A new area open space in the north west corner of the site;
- Removal of separate vehicular and pedestrian accesses off Gate Lane to the affordable units;
- Creation of an internal footpath link through open space on the north west corner of the site;
- The extent of potential landscaping in the site and on the route of the Public Footpath has been reduced
- The number of bedrooms within the dwellings has been changed from 2, 3, 4 and 5 bed properties to a mix of 2, 4 and 5 and one 6 bed dwelling.

The elements which remain unchanged are:

- The overall number of dwellings;
- The number of affordable dwellings (seven) within the scheme;
- Main vehicular access point into the site;
- The alignment of the internal spine road;
- The alignment of Public Footpath No 6 through the site;
- The dwellings are two storey and the affordable units are bungalows;
- The retention of the hedgerow on the A67 boundary (north);
- The acoustic fencing on the A67 boundary (north);
- The number of existing trees to be retained;
- An increase in the amount of hedgerow on Gate Lane to be retained;
- The row (north - south) of trees and hedging in the centre of the site;
- The ecological mitigation measures;
- The use of and location of a SUDs basin.

As a result of the revisions, the planning application is also seeking permission to vary the wording of condition 24 and to remove condition 11 attached to the original approval.

Condition 24 quotes the Plot Numbers upon which the dwellings would have their “permitted development” rights removed and condition 11 relates to the need to submit details of visibility splays for private drives off Gate Lane.

Condition 24 would need to be revised to reflect new Plot numbers within the revised layout and condition 11 would no longer be required as the revised layout does not involve the private drives off Gate Lane.

This planning application has been submitted by Robertson Homes rather than H and D Ward who were the previous applicants.

The original proposal was granted subject to a Section 106 Agreement to secure financial contributions towards improving Rights of Way and cycle paths, grass playing pitches and open space in the locality of the application site. If planning permission is granted for the revised scheme, there will be a need to vary the Agreement so that it relates to the new submission. There would be no changes to the agreed Heads of Terms as a result of the proposed changes.

As before, the proposed development includes seven affordable units in the form of two bed bungalows which meets the requirement for 20% of the scheme to be affordable housing on site as set out in local development plan policy (CS4 of the Core Strategy) and the Supplementary Planning Document on Planning Obligations

Statement of Community Involvement

The applicant issued approximately 200 public consultation leaflets and a community consultation event took place in the Baydale Beck public house in December 2018. A Statement of Community Involvement document has been submitted in support of the

planning application in accordance with the Council's guidance on such matters. In the document, the applicant has commented on the matters that were raised by residents and they have stated, amongst other issues:

- All proposed dwellings will have a new boundary fence delineating their ownership and they will respect existing boundary features.
- The field gate to the North of 2 Low Coniscliffe will be closed and a new hedgerow planted to complement the existing hedge.
- They will request that double yellow lines are included within the offsite works to be agreed with the local authority. This does not form part of the planning application and must be procured through agreement under the Highways Act.
- The title boundary has been checked and Robertson Homes are comfortable that the proposals can be delivered.
- The facing materials to the entrance wall detail and the bungalows fronting Gate Lane, as well as some of the proposed dwellings within the site, have been amended to reconstituted stone to tie into the village vernacular.

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

Environmental Impact Assessment Requirements

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development would not meet the thresholds within the Regulations that require the Local Planning Authority to offer a screening opinion for the proposal.

PLANNING HISTORY

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

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

16/01231/FUL In February 2018 planning permission was GRANTED for the residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping

RESULTS OF CONSULTATION AND PUBLICITY

A total of 119 letters of objection have been received and the comments can be summarised as follows:

- *The reduction in landscaping will accentuate damage to the highly valued Teesdale Way and surrounding landscape*
- *The repositioning of affordable housing up to 6m closer to Gate Lane will accentuate the damage to the highly valued visual entrance to Low Coniscliffe*
- *The development encroaches upon land in private ownership*

- *The reduction and removal of hedgerow and trees on the east side of Gate Lane damages the nature, character and its twinning with the west side*
- *The proposed design introduces terraced houses but the decision notice to the original application granted permission for 37 detached dwellings*
- *The change in property style to a modern style of modern urban housing is not in keeping with rural development and will accentuate the damage to the historic character of Low Coniscliffe*
- *There is an absence of information on the affordable housing on Gate Lane*
- *The residents of 2, 4, 6, 8 Low Coniscliffe are adversely affected by both an increase in adjacent properties and their closer proximity*
- *The proposed foul drainage route is outside the development boundary and will damage both the Teesdale Way and necessitate closure*
- *The access driveways off Gate Lane to the affordable housing have been removed which will increase safety risks due to parking of delivery vehicles, visitors along this narrow entrance into the village*
- *It is evident that certain variations submitted within the planning application do not comply with the legal concept of materiality and “de minimis”*
- *Planning conditions are to be amended*
- *There are no dimensions for the heights of the dwellings*
- *There appears to be doubts over the red line boundary of the two applications;*
- *The developer intends to remove the mature hedgerow and replace, in part with much reduced hedging of unknown species;*
- *There is a remnant of fencing that allowed a gap between Nos 2 to 8 Gate Lane and the east field. Development must not encroach on this land and cannot form part of the Title Deed of the proposed properties*
- *The south east corner of the site has been amended to show five properties*
- *The extent of the landscaping has been greatly reduced*
- *Detached garages have been replaced with integral garages*
- *Any closure of the Teesdale Way must be the subject of the appropriate legal procedures*
- *The dwellings on plots 28 and 29 are very close to the boundary with No 2 Gate Lane and these plots now occupy a space previously reserved for a single detached dwelling. The dwellings are crammed in behind mature trees which form part of my garden boundary. Prospective owners of the plots may have limited natural light due to these mature trees shading the properties. These two plots should not be built so close to my boundary*
- *There are too many affordable homes and the unit on Plot 33 is too close to No 2 Gate Lane*
- *The occupiers of the new properties have no rights over existing boundaries*
- *The access is through third party land and should not be approved*
- *The developers are intending to encroach upon private land still vested within the original land owners family*
- *A recent appeal for residential development in respect of the west side of Gate Lane stated that that proposal would be contrary to development policies and of the effect of the development on the character and appearance of the village and area*
- *Saved policy E2 of the Local Plan 1997 should carry substantial weight in this application and therefore should be re-submitted as a full new application*

- *In the planning appeal, the Inspector acknowledges that the approved development on this application site will change the character to the approach to Low Coniscliffe as well as the countryside around the village. The Inspector believes the development would be apparent, with subsequent visual harm to the green countryside character of the access route, the village and A67*
- *The design aesthetic of the site has been changed entirely*
- *A five bed + dwelling has been added*
- *The total number of bedrooms have been altered throughout the site*
- *The change in property style to a modern style housing is not in keeping with the rural historic character*
- *The proposal will create two villages detracting from the existing rural built environment and historical character of the village. The development will be an overbearing modern style urban estate upon a rural village*
- *Residents are disadvantaged by the changes despite the proposed retention of 30m of existing hedging and trees that would be lost by the current planning permission mainly due to the style of urban development further exacerbated by the closer proximity of dwellings and terraced dwellings at the entrance of the site*
- *We appreciate the introduction of open space and relocation trees in the north west corner provides a distinctive landscape feature but it is not enough*
- *There is insufficient landscaping for the site and the Teesdale Way*
- *It is very disappointing that no consideration has been given to retaining some part of the Bronze Age archaeological site despite its significance and value in the local community*

A letter objecting to the planning application has been submitted by Maria Ferguson Planning Consultancy on behalf of the Low Coniscliffe and Merrybent Parish Council and the Low Coniscliffe Action Committee. The comments can be summarised as follows:

- *The use of a Section 73 application to secure the proposed development is wholly unacceptable. The development in terms of its scale, its nature is sufficiently different, even to that described on the decision notice to warrant a fresh full planning application;*
- *There is a difference between the red line boundary identifying the original planning application development site and the new proposed site plan, where access has been highlighted from Gate Lane of some 5 metres;*
- *There is a secondary strip of land down Gate Lane located in the east field which abuts the existing hedgerow. This strip has been retained by the Snaith family for the purpose of a public footpath and it is still held as freehold by the Snaiths in succession and pushes the Gate Lane hedgerow strip of land further into the east field and up to the edge of the fence line.*
- *The amended proposal will affect the rural character of the east field boundary adjacent to the road due to the need to provide access and viability. It is also the intention of the developer to reduce or remove the mature hedgerow and create a much smaller hedge;*
- *The affordable units will be up to 6m closer to Gate Lane further encroaching onto third party land and necessitating the need to remove trees and hedgerow*

- *Foul drainage will be under the Teesdale Way which will need to be closed during the construction work. Any closures must go through the proper legal procedure;*
- *All landscaping around the SUDs basin has been removed and the amended plans only show 24 new trees being planted. There are less trees being planted alongside the Teesdale Way*
- *The amendments will represent a greater intrusion in its setting and will harm the countryside*
- *In 1993 there was a planning submission refused for the west side of Gate Lane due to the amount of hedging that would be removed.*
- *No 2 Gate Lane will be adversely affected by the amendments. The new scheme increases the number of dwellings in this location from 5 to 6 and also reduces the distances which exacerbates the harm to amenity in terms of privacy, noise and outlook.*
- *A Section 278 Agreement for highway works cannot be legally fulfilled without the agreement or dedication of the identified freeholder*

The **Campaign to Protect Rural England** has objected to the planning application and the comments can be summarised as follows:

- *The CPRE fully supports the objections of local residents, the Parish Council and Low Coniscliffe Action Committee*
- *The CPRE considers that the changes are no minor and fall outside the remit of Section 73 of the Town and Country Planning Act (as amended). A new planning application is required*
- *The changes will have a much greater detrimental impact on the local area than the original application*

Consultee Responses

The Council's Ecology and Landscape Officer has requested that the previous conditions are imposed on any new planning permission

The Council's Public Rights of Way Officer has raised no objections

The Council's Sustainable Transport Officer has advised that his comments on the original scheme remain valid

The Council's Historic Asset Officer has no comments or objections to the planning application

The Council's Environmental Health Officer has raised no objections to the planning application and requested the imposition of planning conditions

The Council's Highways Engineer has raised no objections to the revisions to the scheme and to the removal of condition 11

The Council's Senior Arboricultural Officer has advised that the application be recommended for approval and further comments will be made on a landscaping scheme once submitted

The Lead Local Flood Authority has requested that the previous planning conditions are imposed on any grant of planning permission

The Durham Archaeology Team has advised that the revised application does not change their previous advice and the previous conditions still apply

Northumbrian Water has advised that the revised application does not change their previous advice and they have no additional comments to make

Northern Powergrid has raised no objections

The Environment Agency has raised no objections and requested the imposition of a planning condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment

Highways England has raised no objections

Northern Gas Networks has no objections

PLANNING POLICY BACKGROUND

In this instance, the relevant local and national planning policies are:

Borough of Darlington Local Plan 1997

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS4 - Developer Contribution

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

National Planning Policy Framework 2019

Other Documents

Tees Valley Design Guide and Specification: Industrial and Estate Development

Supplementary Planning Document - Design for New Development

Supplementary Planning Document - Planning Obligations

PLANNING ISSUES

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

- Material Amendment Submission
- Planning Policy
- Planning Application reference number 18/00023/OUT and Appeal
- Impact on the Visual Appearance and Character of the Local Area and Design and Layout of the Development
- Highway Safety
- Residential Amenity
- Impact on Trees
- Landscaping Scheme
- Ecology
- Land Stability
- Archaeology

- Impact on the Significance of Heritage Assets
- Flood Risk and Drainage
- Public Right of Way
- Land Contamination
- Affordable Housing
- Planning Obligations
- Delivery

Material Amendment Submission

Section 73 of the Town and Country Planning Act 1990 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Planning Practice Guidance states that an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Planning permission cannot be granted under Section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.

Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The objectors to the planning application, including the Low Coniscliffe and Merrybent Parish Council and the Low Coniscliffe Action Committee, have challenged the decision that the application should be treated as a Section 73 application due to the range of changes that are being proposed and that the description of the planning permission relates to "37 detached dwellings" whilst the new submission includes semi detached and terraced dwellings (the affordable units). It is the view of the objectors that a new full planning application is the more appropriate method for determining this revised proposal.

It is the responsibility of the local planning authority to determine the definition of 'minor material'. A judgement on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part

of it. The basis for forming a judgement on materiality is always the original planning permission.

A recent High Court judgement has confirmed (*Finney v Welsh Ministers* 2018) that a variation under Section 73 can be lawful even if it contradicts the original description of the proposed development. The test is also whether any new planning conditions are ones "which the council could lawfully have imposed upon the original permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application"

Having considered the layout, design and scale of the existing planning permission alongside the proposed scheme, the local planning authority is of the opinion that the changes between the two proposals (listed in the Application and Site Description section of this report) would not fundamentally alter the original planning permission.

The statutory bodies and consultees have been re-consulted on the planning application and their responses have not resulted in significant amendments, if any, to the planning conditions imposed on the original permission.

Officers consider therefore that an application under Section 73 of the Act for the changes proposed to the approved scheme is appropriate in this instance.

Planning Policy

An application made under Section 73 is an application for planning permission and therefore Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise is relevant. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Statute requires that in considering an application under Section 73 a local planning authority "shall consider only the question of the conditions subject to which planning permission should be granted". This does not automatically rule out consideration of all local and national policy that is not directly relevant to the conditions sought to be varied by the Section 73 application, as, in coming to a balanced judgment as to what conditions ought to be attached to any new planning permission granted under Section 73, the local planning authority may consider matters other than those 'directly related' matters, and as such any other relevant policy.

However, in this application, as there is no increase in the number of houses or 'amount of housing development', it would not be appropriate for the local planning authority to consider housing allocation policy or limits of development policy simply for the reason that any permission granted would authorise housing development.

Instead, any changes to layout, appearance, site operation, highways and amenity which are affected by local policies are required to be considered against those relevant policies. These are listed in the Planning Policy Background Section of this Report and considered in detail below.

Land Ownership Matters

The Local Planning Authority is not the arbiter of boundary ownership disputes. Ownership of the hedgerow and verge was and remains a civil matter between the Parish Council, or any other party claiming ownership, and the applicant and is not a material planning consideration. Members will note that the granting of planning permission would not prejudice any legal standing of any of the parties in terms of their ownership interest and their ability to take civil action in respect thereof.

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

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

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

The Assessment identifies key sensitivities within this landscape to include:

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

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

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

It is clear that the redevelopment of the land for residential purposes will change the character and appearance of the area. There is an existing planning permission on the

site for housing development and the main consideration here is whether or not the changes to the approved scheme are acceptable and will they harm the character and appearance of the area.

The site is part of the wider green infrastructure of the Borough due to it being within the open countryside, consideration has to be given to the fact that the majority of the hedges and trees would be retained (and enhanced in certain areas), the Right of Way would be enhanced and landscaped and there are areas of open space on the north western and eastern edges which would be landscaped and as a result the development will still retain an element of green infrastructure function. The public accessibility and community value of the site via the Public Right of Way would be retained and enhanced. So whilst this proposal would result in the loss of part of the wider green infrastructure network in the Borough, the extent of the developed area within the site has not significantly altered from the existing planning permission.

The hedge line along Coniscliffe Road will be retained and some thinning works undertaken to ensure this is allowed to thrive and there would be some additional planting behind the existing hedge to reinforce the screening of the development. The need for an acoustic fence along this boundary remains unchanged from the existing planning permission but the view of the dwellings from the north would be improved by the introduction of a new section of open space which substitutes two dwellings that would have been positioned closest to the A67. The new dwellings on Plots 10 to 12 would be approximately 5 metres closer than the previous layout to the northern boundary but they would still be between 18m and 25m from the boundary and their visual impact when viewed from the A67 is considered to be acceptable.

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

One of the main considerations of the original planning application related to the loss of sections of the hedgerow that forms the western boundary of the site and the impact that the development would have on the entrance to the village. A section of hedge measuring approximately 45 metres would need to be removed to facilitate the access road and the visibility splay as per the original planning permission but this application does not involve the creation of individual vehicular and pedestrian accesses which reduces the extent of hedge removal. Redundant gaps in the hedge could be "filled" and a new hedge line to the rear of the visibility splay to supplement the existing hedge would be planted whilst maintaining the required visibility splay.

The introduction of the area of open space on the north west corner would maintain the "green" appearance and character of the entrance to the village and the relocation of a footway running through this open space rather than through the external highway verge is to protect and retain the hedging and trees on this boundary.

The location of the affordable bungalows at the entrance to the site would help to reduce the visual impact of the development when viewed from Gate Lane and the visual extent and bulk of built form on the frontage has been reduced by the introduction of the aforementioned open space. Whilst these bungalows are approximately 3 metres closer to the west boundary in order to have a vehicular access at their rear, their visual impact on Gate Lane will be negligible and is acceptable, especially as the buildings are single storey and the retained elements of hedging (and any new planting) will provide some visual screening.

The route of the Public Right of Way (Teesdale Way) would be retained and enhanced by a new surface. A landscaped, tree lined verge along one side of the route would be created which is a revision from the existing planning permission which had tree planting on both sides of the route however the practicality of tree planting on both sides is not possible due to the need to run a foul drain along the route. The riverbank would remain unchanged and unaffected by the development.

The landscaped SuDs basin and open space area remain on the eastern edge of the site which along with the existing riverbank and the Beck itself would maintain an open landscaped "break" between Low Coniscliffe and the western edge of Darlington preserving to some extent the detachment and openness between the village and the urban area and the continuing rural nature of the local area (Policy CS14).

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

The design of the proposed dwellings takes a contemporary approach. In terms of the material palette from the existing housing stock this is a mix of render, stonework and brickwork with a range of red, grey and brown clay and concrete roof tiles. A formal entrance feature specified as 1.8m high stone walls with stone coping and piers with stone caps would be located at the site entrance. This is supplemented with low level planting to ensure visibility splays are maintained but creating a high quality entrance. This could also be constructed from stone to reflect the existing walls on the opposite side of Gate Lane.

Under the provisions of the Council's Design SPD, Low Coniscliffe is located within Character Zone 4 (Outer Suburbs). In general terms, the SPD considers that within this Character Zone, buildings between one and 2.5 storeys are acceptable with parking accommodated to the side or rear of the buildings or in a purpose built court within a block. Garages may be provided externally. Terraced, semi-detached and detached dwellings are seen as being a characteristic of the Zone with areas of defensible space to the frontage. Other design features that are considered appropriate in the Zone are

canopies, porches, rectangular windows, bay windows, windows with headers and footers and a variety of roof designs (for example, hipped, pitched, dormers). Brick, render and slate or pantiles for the roofs are considered to be an appropriate choice of materials. Proposed dwellings would accord with the general guidance contained within the Design SPD for this location and it is considered that they are acceptably designed when adjudged against the existing varied housing stock in the village. In order to integrate the development into the village, the seven affordable units that are located on the west boundary of the site front onto Gate Lane to provide a continuation of the existing street frontage.

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

It is considered that the revised layout and designs of the proposed dwellings are acceptable and the impact of the new proposal would not be significantly altered from the existing planning permission, arguably the scheme includes some improvements.

Highway Safety

Policy CS2 (Achieving High Quality Sustainable Design) of the Core Strategy seeks to ensure that new developments provide vehicular access and parking provision that is suitable for its use and location reflecting the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development.

The number of dwellings has not increased and therefore, as previously reported, the proposed development would not generate significant additional trips in the AM and PM peak periods. As the proposed site access is to the North of the village any additional traffic would not have to travel through the village and would have almost direct access to a local distributor road. Police accident records show that there have been no reportable accidents within the previous 5 years data along Gate Lane or its junction onto the A67.

The main vehicular access and spine road remain unchanged from the existing planning permission but the individual pedestrian and vehicular accesses off Gate Lane to the affordable units at the front of the site have been removed from the proposal. Vehicular access and parking spaces for the affordable units would now be located to the rear of those properties accessed from private shared drives off the spine road.

The proposed plans show the location of bin stores on the private shared drives and swept path analysis have been submitted to show that vehicles such as refuse vehicles and emergency vehicles can be accommodated.

One of the revisions to the proposal is that a new direct and adopted footway would not continue along the length of the east verge of Gate Lane in front of the development site from the access to meet a section of existing footway on the corner with the A67.

Instead, a new footway leading from the access point along a shorter section of the verge will cut back into the application site and through the new internal area of open space in the north east corner and then back onto Gate Lane to meet the existing footway. The new footway has been designed to take this route in order to reduce the potential need to remove further hedging and trees on the Gate Lane frontage. The footway would be maintained by the private management company that would maintain the areas of open space within the development. The alternative route is intended to protect and retain the trees and hedging in this location.

There may be a requirement for Gate Lane to be widened in some areas in order to achieve a satisfactory width of 5.5m and the shortened footway within the verge from the access point should be a minimum of 2m wide in order to link in with the internal estate road. These details would be secured by a planning condition.

The parking provision would be provided by a mix on private drives, integral garages and detached garages. Overall, the parking provision across the site for the new house types would meet current guidance.

There is highway objection in principle to the revised development subject to a condition to secure the details of the works within the public highway.

The application seeks to remove condition 11 of the previous permission which requires details of visibility splays for the private drives onto gate Lane to be submitted for approved. As the new proposal does not provide for separate private drives off Gate Lane this condition is no longer necessary on any approval.

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new development has no detrimental impact on the general amenity and health and safety of the community. One of the core principles of the NPPF is to secure good standard of amenity for all existing and future occupants of land and buildings.

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

One of the main changes to the layout is the position and number of dwellings (plots) to the side and rear of Nos 2 to 8 Low Coniscliffe, which are two storey dwellings. The existing boundary with the application site consists of a mix of fencing, hedging interspersed with trees.

The number of new dwellings (plots) around these properties has increased from 7 to 8. The separation distance between the existing and proposed dwellings is in excess of 50m and therefore the proposal will not result in any adverse overlooking conditions between habitable rooms.

The new dwellings would have a garden depth of approximately 10m, excluding the single storey garden rooms at the rear which is not an unreasonable garden depth for new properties. The positions of the dwellings would accord with the Council's SPD in terms of preventing unacceptable levels of loss of privacy.

The terrace of the three single storey affordable units (Plots 33, 34 and 35) are approximately 5 metres further away from the boundary to the North side of No 8 Low Coniscliffe. The dwelling on the end of the terrace does not include any habitable openings in its side elevation and the separation distance would accord with the Design SPD. As the terrace is single storey in height, it would not be an overbearing building when viewed from neighbouring dwellings.

The existing planning permission is supported by a Noise Assessment which concludes that the ambient noise climate across the application site is primarily associated with local and distant road traffic noise. The Assessment also concludes that with certain mitigation measures put in place such as specific glazing and trickle vent specifications and the installation of a reflective barrier along the frontage of the A67 to protect rear garden space, the noise levels for internal and external spaces set out in guidance can be met. Having reviewed the revised layout, the houses not significantly closer to the A67 than was previously proposed and the Environmental Health Officer has advised that the mitigation measures included in the Noise Impact Assessment prepared by Environmental Noise Solutions Ltd dated 8 April 2016 (reference NIA/6572/16/6505 v1) will still be sufficient to ensure relevant noise levels in accordance with the guidance will be achieved for the development.

The planning conditions attached to the existing planning permission which relate to securing the mitigation measures outlined in the Noise Assessment, the details of the acoustic fence to be erected on the A67 boundary, the details of glazing specifications, the submission of a Construction Management Plan and controlling the hours of construction/deliveries, and details of any piled foundations are still relevant to this application.

Impact on Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

Following a previous inspection of the site, the Council's Senior Arboricultural Officer advised that four Ash trees and a Hawthorn tree were worthy of a tree preservation order. The original scheme was revised to realign the internal spine road to retain these trees. The five trees considered worthy of protection are now subject to a tree preservation order and the new scheme has been designed taking into account the protection of these trees. No further tree removals would be required beyond which was previously approved to facilitate the internal spine road (one tree to be removed)

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

Landscaping Scheme

A landscaping scheme for the site would be secured by planning condition. The Design and Access Statement advises that the trees and hedges fronting Gate Lane are to be retained and enhanced by creating a small village green entrance feature on the corner of Gate Lane/A67. The hedge line along Coniscliffe Road will be retained with some thinning works undertaken to ensure the hedge can thrive with some additional planting behind the existing hedge to reinforce the screening of the development. The SUDs basin area will be designed as a wetland mix to withstand the pressures of the drainage function this offers whilst still being usable as open space during its normal day to day function. It will be supplemented by hedge and tree planting where possible and plot landscaping will consist of smaller tree species, hedge and shrub planting to identify boundaries with lawns to the remainder of the plot. It is proposed to place this area into the control of a management company to ensure there is no pressure for removal from future residents.

Ecology

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

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

A Preliminary Ecological Assessment submitted with the original planning application advised that the two fields have low ecological value but there is an increased value in the boundary features and the central field boundary, which is of moderate value for foraging and commuting bats.

Overall the site has negligible value for badgers, reptiles, great crested newts and otter and low to moderate value to breeding birds with no roosting value for bats. The Assessment outlined a number of mitigation measures including timescales for hedge removal, compensatory hedge planting and ecological enhancements such as bird boxes.

The Council's Senior Landscape and Ecology Officer accepts the findings of the Assessment and the layout of the development includes the retention of as much of the central field boundary as possible in order to provide a viable commuter route for bats.

In order to protect the route it was considered appropriate to remove permitted development rights from those plots that share the boundary with this route in order to prevent future development from damaging the hedgerow. The planning condition was imposed but the wording would now need to be amended to reflect the appropriate plot numbers within the revised layout

The future maintenance would be carried out by a private management company as part of the wider maintenance regime of the housing development. An ecological street lighting scheme would need to be included within the layout to control the location, height and level of luminance in proximity to this “green corridor”.

Whilst the site is along the River Tees wildlife corridor, the site itself is considered to be of low ecological value other than the field boundaries. The layout of the development, the landscape features and the mitigation measures to compensate for any loss of ecological features outlined in the Assessment remain appropriate along with the Council’s Ecology Officer previous recommendation for some further measures (bat and bird boxes) to be incorporated into the design of the dwellings and the layout.

Land Stability

The dwellings would not be located on the river bank slope and the slope does not form part of the gardens belonging to the dwellings on the south boundary. Sectional plans through the riverbank show that the angle of repose (maximum area to support the foundation loads) from the proposed foundations do not extend to a zone within the existing embankment slope. These sectional plans have been replicated as part of the revised layout and it is not envisaged that there should be any instability of the slope/bank.

Archaeology

Paragraph 197 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It goes on to state that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 199 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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

Further archaeological works have occurred on site but the previously imposed planning conditions should be attached to any new approval.

Impact on the Significance of Heritage Assets

There are three Grade II listed buildings in the village (Nos 20, 55 and 57 Gate Lane) which are located in the central core of the village approximately 70 and 95m from the application site. The proposed development would not be visible from these heritage assets and would not harm their setting. Low Coniscliffe and the application site are not covered by a conservation area.

Flood Risk and Drainage

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy states that new development will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding.

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

A Flood Risk Assessment and Drainage Strategy was submitted in support of the original planning application. The Drainage Strategy submitted with the planning application indicates that SuDS features are to be used to control surface water flows from the proposed development. The Lead Local Flood Authority, the Environment Agency and Northumbrian Water did not object to the original application and each body has requested the re-attachment of the previous planning conditions.

Public Right of Way

The route of the public right of way that runs through the site would be retained within the revised layout of the housing development. The existing stiles would be removed to improve access for a wider range of users and "kissing" gates would be installed.

Whilst it is acknowledged that there will be a material change to the experience of users of the right of way, it is considered that the impact of the development on the route would not be significantly harmful. The route would be resurfaced with gravel which is beneficial for users and landscaped, with the new dwellings maintaining an acceptable level of natural surveillance. Where the road layout intersects the footpath the crossing would need to be designed to appropriate safety standards, including drop kerbs and sightlines for pedestrians and car drivers.

The proposed foul drainage would need to run under the route of the footpath. In those circumstances a Temporary Traffic Regulation Order would be required for the temporary closure of the right of way to facilitate the works. An Informative has been imposed to advise the applicant accordingly.

It is expected that the route would be maintained by a private management company rather than by the Local Authority and the details of this maintenance scheme would form part of any Section 106 Agreement. The Council's Public Rights of Way Officer

has raised no objections to the proposed development and its impact on the route of the right of way.

Land Contamination

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

Affordable Housing

Seven affordable units would be provided on site which equates to 20% of the development in accordance with the requirements of the Planning Obligations SPD. The applicant has a preferred partner subject to entering into a contract. A planning condition would be imposed to secure the affordable units, the tenure split and details of the management regime but officers have been informed that units would consist of 5 shared ownership and 2 properties for affordable rent. It is proposed to erect the 5 shared ownership properties as the first phase of development (plots 33-37) with plots 1 and 2 built at a later date. Whilst this would be confirmed through the discharge of condition process, the tenure split is considered appropriate and the fact that the majority of affordable properties would be built in the first phase of development is welcomed.

Planning Obligations

In compliance with the Council's adopted Supplementary Planning Document on Planning Obligations, the existing planning permission was granted subject to a Section 106 Agreement to secure the following planning obligations:

Sustainable Transport

A financial contribution (£36,900) towards improving and maintaining walking routes, the wider Public Right of Way network and cycle paths within the vicinity of the application site.

Green Infrastructure

A financial contribution (£39,900.70) towards improving and maintaining open space within the vicinity of the application site.

Sport Provision

A financial contribution (£10,816) to improve and maintain existing playing fields in the vicinity of the application site.

Open Space/SuDs and Right of Way Maintenance

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

There would be a need to vary the existing Section 106 Agreement, if this planning application is approved. This can be done by a new Agreement or a Deed of Variation.

Delivery

One of the aims of the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet identified housing need. The implementation time limit for the existing planning permission was reduced to two years which means planning conditions need to be discharged and work must commence by 22 February 2020 in order to keep the consent “live”. As this application has been submitted under Section 73, the implementation time limit cannot be extended.

Planning Conditions

Since the previous planning approval was determined, planning guidance has changed and Local Planning Authorities must seek the agreement of the applicant with regard to the imposition of “pre-commencement” planning conditions. Following discussions with offices the some of the previous “pre-commencement” conditions have been revised so that the requested information is submitted before any dwelling is erected above damp proof course level.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

Planning permission (ref no: 16/01231/FUL) has been granted, subject to a Section 106 Agreement and planning conditions, to redevelop this site for residential purposes comprising 37 detached dwellings. This planning permission is “live” and could be implemented.

This planning application has been submitted under Section 73 of the Town and Country Planning Act 1990. 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.

There is no increase in the number of houses or ‘amount of housing development’, and therefore it would not be appropriate for the local planning authority to consider housing allocation policy or limits of development policy simply for the reason that any permission granted would authorize housing development.

Having considered the layout, design and scale of the existing planning permission alongside the proposed scheme, the changes between the two proposals would not fundamentally alter the original planning permission. The responses that have been received from statutory bodies and consultees have requested the imposition of planning conditions which the council could lawfully have imposed upon the original

permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application. Officers consider that, in this instance, an application being submitted under Section 73 of the Act is appropriate.

Having considered the changes within the revised application against the requirements of the appropriate local development plan policies the impact of the housing development upon the character and appearance of the surrounding area and Low Coniscliffe village is acceptable.

The proposal would comply with the proximity distances outlined in the Council's adopted Supplementary Planning Document – Design for New Development and subject to the imposition of appropriate planning conditions, it will not raise any significantly harmful residential amenity issues.

The development can be implemented without adversely affecting highway safety, the ecological nature of the site and the wider area and the Public Right of Way. The development does not pose any flood risk or drainage issues subject to the imposition of appropriate planning conditions.

The existing Section 106 Agreement attached to the existing planning permission would need to be varied.

Overall, it is considered that the revised development is acceptable and is recommended for approval, subject to planning conditions.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE VARIATION OF THE EXISTING SECTION 106 AGREEMENT WITHIN SIX MONTHS. TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

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

AND THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than 22 February 2020
REASON; Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and in the interests of achieving an improved rate of housing delivery in the Borough

2. No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of visual amenity

3. Prior to the occupation of any unit, a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme shall include:

- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- b) A plan to show the location of the affordable housing
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- f) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

REASON: To comply with local development plan policy

4. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

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

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) 2017 Reference:

H76116/FRA/001 previously approved under planning permission reference number 16/01231/FUL dated 22 February 2019. Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved by limiting surface water discharge from the development to 13.6l/sec. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

7. The development hereby approved should not be carried out otherwise than in complete accordance with the drainage scheme contained within the Drawing Number H76116-D-001 Rev C "Drainage Strategy" produced by JNP Group approved under planning permission reference number 16/01231/FUL dated 22 February 2019. The drainage scheme shall ensure that foul flows discharge into the foul sewer at manhole 0901 and ensure that surface water discharges to the existing watercourse

REASON: To prevent increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2019

8. The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment dated June 2017 approved under planning permission reference number 16/01231/FUL dated 22 February 2019 and the following mitigation measures detailed within the Flood Risk Assessment and Drawing Number L015046-103 Rev C:

- a) No dwellings shall be built within Flood Zones 2 or 3.

9. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority
REASON: To reduce the risk of flooding to the proposed development and future occupants.

10. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) approved under planning permission reference number 16/01231/FUL dated 22 February 2018 and the following mitigation measures detailed within the FRA and site plan drawing L05046-103:

- 1) No dwellings shall be built within flood zones 2 or 3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

11. No dwellings hereby approved shall be erected above damp proof course level until precise details of a bin storage facilities and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.
REASON: in the interests of highway safety

12. Notwithstanding the details shown on the approved plans, precise details of the offsite highway works required to access the site and mitigate the development impact shall be submitted and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of Gate Lane to 5.5m up to the new access junction, the provision of a new 2.0m wide footway along the frontage of the development on Gate Lane connecting into the surrounding infrastructure and the new site access junction. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway safety

13. No dwellings hereby approved shall be erected above damp proof course level until precise details of secure, covered cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to encourage the use of sustainable transport

14. The mitigation measures outlined in the Noise Impact Assessment produced by Environmental Noise Solutions Ltd dated 8 April 2016 (reference NIA/6572/16/6505 v1) approved under planning permission reference number 16/01231/FUL dated 22 February 2018 shall be fully implemented prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development.
REASON: In the interests of the amenities of the occupiers of the development
15. Notwithstanding the mitigation measures outlined within the a Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1) approved under planning permission reference number 16/01231/FUL dated 22 February 2018, precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In the interests of the amenities of the occupiers of the development
16. Notwithstanding the mitigation measures outlined within the Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1 approved under planning permission reference number 16/01231/FUL dated 22 February 2018, precise details of the glazing specifications (including details on the $R_w + C_{tr}$ value) and acoustic trickle vents (including their acoustic performance) for all windows for habitable rooms on the road frontage elevation for dwellings within 20 metres of Coniscliffe Road shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In the interests of the amenities of the occupiers of the development
17. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management

“Guidance on the assessment of dust from demolition and construction”
February 2014.

- b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of residential amenity and highway safety

18. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority
REASON: In the interest of the residential amenity of the area

19. If piled foundations are proposed, prior to the commencement of the development details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
REASON: In the interest of the residential amenity of the area

20. Prior to the commencement of the development, a management plan for keeping Public Footpath No 6 The Parish of Low Coniscliffe available for public use during the construction phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved plan.
REASON: To ensure that the Public Footpath continues to be accessible.

21. The proposed development (construction and post development) shall not be carried out otherwise than in complete accordance with the recommendations set out in the document entitled “Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe” Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of mitigating the impact of the development to protected and notable species

22. No dwellings hereby approved shall be erected above damp proof course level, an appropriate street lighting scheme for the development, including for the "Safe Route for School" route on the A67/Coniscliffe Road shall be submitted to and approved, in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway and pedestrian safety

23. Notwithstanding condition 19 and the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 the street lighting scheme for the site shall include an ecological lighting strategy to be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details, location and level of luminance of the street lighting and external floodlighting on the dwellings in the vicinity of the retained central field boundary and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed other than agreed without the prior consent of the Local Planning Authority

REASON: In the interests of protected species and their habitats

24. Notwithstanding the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 a scheme for the installation of bat and bird boxes (within trees and integrated into dwellings) shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. The scheme shall include the type of bird boxes and location throughout the development and the development shall not be carried out otherwise than in complete accordance with the approved details

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 8, 9, 10, 23 and 24, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

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

26. CL1 – Phase 1 Preliminary Risk Assessment
27. CL2 – Site Investigation Strategy
28. CL3 – Phase 2 Investigation Works
29. CL4 – Phase 3 Remediation and Verification Strategy
30. CL5 - Construction/Remediation Works
31. CL6 – Phase 4 Verification and Completion Report
32. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:
 - a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
 - b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
 - c) Post-fieldwork methodologies for assessment and analyses
 - d) Report content and arrangements for dissemination and publication proposals
 - e) Archive preparation and deposition with recognised depositories
 - f) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
 - g) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of works and the opportunity to monitor such works
 - h) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications

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

REASON: To comply with paragraphs 197 & 199 of the National Planning Policy Framework 2019 because the site is of archaeological interest.

33. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record
REASON: To comply with paragraph 199 of the National Planning Policy Framework 2019, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.
34. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing

trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

35. No dwellings hereby approved shall be erected above damp proof course level until a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, 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, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

36. 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.

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

- a. SBA–4–16 – Planning Floor Plans SBA – 4
- b. SBA – 4 – 05 – 4 Elevations SBA - 4

- c. Gate Lane_000_XX_DR_A_003 Rev E Proposed Site Layout
- d. Gate Lane_000_XX_DR_A_004 Rev B Proposed Materials Layout
- e. Gate Lane_000_XX_DR_A_010 Rev A Proposed Boundary Treatments
- f. Gate Lane_000_XX_DR_A_035 Proposed Site Sections
- g. Gate Lane_000_XX_DR_A_060 Proposed Refuse Vehicle Tracking
- h. Gate Lane_000_XX_DR_A_061 Proposed Fire Tender Tracking
- i. Gate Lane_000_XX-DR_A_090 Rev B Proposed Management Plan
- j. DG-06 Rev A Double Garage Elevations
- k. DG-03 Rev C Double Garage Floor Plan
- l. 18-ST-11-1 Planning FF Plan Stewart
- m. 18-ST-11 Planning GF Plan Stewart
- n. 18-ST-06.02 Elevations - E02 Feature 1 Stewart
- o. 18-ST-06.03 Elevations- E03 Feature 2 Stewart
- p. 18-ST-06.13 Elevations – E03 Feature 2 Stewart
- q. 18-ST-06.12 Elevations – E02 Feature 1 Stewart
- r. 18-NA-GR-11 Planning Floor Plans Nasmyth Garden Room 18
- s. 18-NA-GR-06.02 Elevations – E02 Feature 1 Nasmyth Garden Room 18
- t. 18-NA-GR-06.03 Elevations - E03 Feature 2 Nasmyth Garden Room 18
- u. 18-MI-GR-11 Planning Floor Plans Mitchell Garden Room 18
- v. 18-MI-GR-06.02 Elevations – E02 Feature 1 Mitchell GR18
- w. 18-MI-GR-06.03 Elevations – E03 Feature 2 Mitchell GR18
- x. 18-LE-GR-11 Planning Floor Plans Leonardo & GR 18
- y. 18-LE-GR-06.02 Elevations – E02 Feature 1 Leonardo & GR 18
- z. 18-LE-GR-06.03 Elevations E03 Feature 2 Leonardo & GR 18
- aa. 18-LA-GR-11 Planning Floor Plans Lawrie Garden Room 18
- bb. 18-LA-GR-06.02 Elevations E02 Feature 1 Lawrie Garden Room 18
- cc. 18-LA-GR-06.03 Elevations E03 Feature 2 Lawrie Garden Room 18
- dd. 18-HU-GR-11 Planning Floor Plans Hutton Garden Room 18
- ee. 18-HU-GR-06.02 Elevations E02 Feature 1 Hutton Garden Room 18
- ff. 18-HU-GR-06.03 Elevations E03 Feature 2 Hutton Garden Room 18

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

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME (THE DECISION AS TO WHETHER OR NOT TIME IS TO BE EXTENDED IS

DELEGATED TO OFFICERS), THE PERMISSION SHALL BE REFUSED WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF CORE STRATEGY POLICY CS4 (DEVELOPER CONTRIBUTIONS). THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:

1. The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for improving Rights of Way and cycle paths, grass playing pitches and open space in the locality of the application site in order to mitigate the impact of the proposed development.

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

Borough of Darlington Local Plan 1997

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS4 - Developer Contribution

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

National Planning Policy Framework 2019

Other Documents

Tees Valley Design Guide and Specification: Industrial and Estate Development

Supplementary Planning Document - Design for New Development

Supplementary Planning Document - Planning Obligations

INFORMATIVES

Highways

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

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

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

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

Environment Agency

The Baydale Beck watercourse bounds the site to the East and the River Tees bounds the site to the South, both are designated as a 'main river' under the Environmental Permitting Regulations. If any works or structures (such as outfalls) are proposed, in, under, over or within 8 metres of the top of the bank/foreshore of the Baydale Beck or River Tees, you will need to apply for an environmental permit for flood risk activities. You can find more information on permit requirements using the following link:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If a permit is required, it must be obtained prior to beginning the works

Public Rights of Way

The applicant is advised that a Temporary Traffic Regulation Order would be required to temporarily close Footpath No 6 – In the Parish of Low Coniscliffe) and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss the matter further.

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DARLINGTON BOROUGH COUNCIL**PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE:** 5th June 2019

APPLICATION REF. NO:	19/00182/RM1
STATUTORY DECISION DATE:	14 th June 2019
WARD/PARISH:	BRINKBURN AND FAVERDALE
LOCATION:	Site At Mount Pleasant Farm And Stag House Farm Newton Lane
DESCRIPTION:	Reserved matters relating to details of access, appearance, landscaping, layout and scale for residential development comprising 464 no dwellings at Stag House Farm (Phases 1 - 5) pursuant to outline planning permission reference number 15/00450/OUT dated 31 October 2018 comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields
APPLICANT:	Esh Homes Limited

APPLICATION AND SITE DESCRIPTION

Outline planning permission was granted, subject to a Section 106 Agreement, in October 2018 (15/00450/OUT) for development comprising approximately 1200 dwellings, residential and links roads, public open space, landscaping, drainage works, playing fields and land set aside for education purposes on two adjoining parcels of agricultural land, namely:

- Approximately 22.1 hectares of land in the ownership of Darlington Borough Council at Stag House Farm to the west of Newton Lane; and
- Approximately 56.6 hectares of land in the ownership of, or otherwise under the control of, Bussey & Armstrong Projects Ltd at Mount Pleasant Farm, to the east and north-east of Newton Lane and west of Edward Pease Way.

The Section 106 Agreement secured the following in relation to both sites:

- Financial contributions towards bus stop provision, sustainable transport improvements, travel planning and childrens' play equipment;

- The provision of open space;
- The completion of the Newton Lane highways improvements prior to the occupation of any dwellings on either part of the site;
- Safeguarding of land within the Mount Pleasant Farm site for sports and education facilities for a period of 10 years;
- The number of dwellings limited to no more than 735 on the Mount Pleasant Farm site and no more than 465 on the Stag House Farm site.

This application seeks approval of those reserved matters of access, appearance, landscaping, layout and scale for the erection of 464 dwellings on the Stag House Farm site only. The principle of development cannot be revisited as part of this application. The proposed development would be constructed by two separate developers as follows:

- | | |
|----------------------------|---------------|
| • Esh Homes Ltd | 225 dwellings |
| • Barratt Homes North East | 239 dwellings |

A phasing plan has been submitted which indicates that the development would be built out in five phases (Esh Homes Phases 1, 2 and 4 and Barratts Phases 3 and 5). The proposed dwellings comprise a mix of 2, 3 and 4 bedroom properties with parking provision in the form of detached garages, integral garages and driveways.

Vehicular access to the site would be via a new roundabout on Newton Lane, although the wider includes the provision of a new link road running westwards from the roundabout at the southern end of Edward Pease Way joining the eastern side of the new roundabout on Newton Lane.

Details of the layout submitted with the application include the internal road network, a series of SUDs drainage ponds on the southern boundary, a landscape buffer along the boundary with the A1(M) and two landscaped open space corridors which dissect the site in an east west direction.

A separate application for the discharge of a number of conditions attached to the outline permission (19/00198/CON) insofar as they relate to the Stag House Farm site has been submitted and is currently under consideration. These conditions relate to technical matters such as materials, foul and surface water drainage details, archaeological investigation work, tree protection measures, ecological enhancement measures etc are dealt with as part of the discharge of condition application and do not fall to be considered as part of this reserved matters application.

The application site at Stag House Farm comprises land currently in agricultural use, primarily grazing land. This site is broadly triangular in shape and is bounded by Newton Lane to the east and north-east, the Barnard Castle Railway Path to the south, and the A1 (M) to the west. The topography of this area is generally level, with some minor gentle undulations. The farmhouse and buildings at Stag House Farm have recently been demolished (see Planning History). The land is divided into field parcels by established hedgerows which in places include interspersed mature trees.

Environmental Impact Assessment Requirements

The Local Planning Authority considered the outline planning application against the Environmental Impact Assessment Regulations in force at the time (The Town and Country Planning (Environmental Impact Assessment) Regulations 2011). Following this assessment it was considered that the development for 1200 dwellings etc was not Environmental Impact Assessment development as, subject to appropriate mitigation measures, the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location.

The Local Planning Authority has once more assessed this current proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and once more consider that the application is not Environmental Impact Assessment development.

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

PLANNING HISTORY

The relevant entries are:

15/00450/OUT In October 2018 outline planning permission was GRANTED subject to a Section 106 Agreement for a development comprising 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields

19/00198/CON A planning application seeking part approval of details for Stag House Farm site only reserved by condition 3 (masterplan), 4 (Design and Access Statement Design Code), 5 (internal highways layout), 6 (details of link road), 7 (swept path analysis), 8 (car parking, secure cycle parking and storage details), 9 (highway works), 10 (road safety audit), 11 (travel plan), 13 (construction management plan), 14 (surface water drainage and management scheme), 15 (landscaping scheme for SuDs), 16 (disposal of foul and surface water scheme), 17 (programme of archaeological work), 18 (historic environment record), 20 (noise impact assessment), 28 (phase 1 preliminary risk assessment), 29 (phase 2 site investigation strategy) and 34 (enhanced bird and bat presence), 35 (maintenance and management plan for landscaped areas) is pending consideration.

18/00236/DD In May 2018 it was deemed that the Prior Approval of the Local Planning Authority was NOT REQUIRED for the demolition of Stag House Farm and associated buildings.

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection have been received following the Council's publicity exercises on the planning application. The comments can be summarised as follows:

- *There is only one entrance road into the estate which already services in the region of over 600 homes and is already under immense pressure with resident*

traffic and even more so with the staff and visitor traffic to the West Park Hospital;

- *Edward Pease Way is becoming dangerous for residents using this road on a regular basis and we are extremely concerned at plans to build even further dwellings that will also use this entrance road adding further traffic and hazards to residents;*
- *We have real concerns regarding the loss of green open spaces and environment;*
- *The plans also feature a spur road off the hospital approach road roundabout, which feeds into Edward Pease Way and this will cause even further traffic on a road which is already under pressure from too many vehicles speeding to the hospital, buses and no white lines;*
- *We believe the spur road will become a “rat run” for traffic accessing Newton Lane and this can only lead to even more potential traffic, noise, nuisance and inconvenience for West Park residents;*
- *Any new build will bring with it additional noise of building works and constant mud on the roads for years to come. Residents are already suffering with the current Bussey and Armstrong build which is causing its own issues;*
- *Why is the Council considering such a planning application that will cause more traffic, more pollution and has already netted at least five trees that have grown over 14 years, plus the hedgerow to stop birds and wildlife nesting, which I can only assume will be destroyed to make way for the new spur road;*
- *The access road is already dangerous due to the increasing number of houses being built on the West Park site. The parking along this road is made extremely dangerous due to the meetings held seemingly every week, sometimes several days in a week, at the Hospital at the end of the access road. There can be up to 40 + cars parked along the road, with only some of them belonging to residents.*
- *Added to this, the Hospital is the terminus for the No 19 Bus and I shudder to think how an ambulance or fire engine would, if needed, get through to the Hospital at the same time as a bus is squeezing past parked cars;*
- *The traffic in and out of the hospital is often travelling too fast and not stopping or slowing down when entering or leaving the Hospital area;*
- *The extra traffic will only exacerbate the congestion at busy times on West Auckland Road. The A68 is the only route into Cockerton and onwards into Darlington and out to the A66. It is grid locked now at rush hour and will be very much worse if hundreds more houses are built;*
- *I wish to draw attention to obstructions caused by parked cars on Edward Pease Way and the lack of a secondary school in the area.*

Consultee Responses

The **Council’s Environmental Health Officer** has raised no objections to the proposed development

The **Council’s Ecology and Landscape Officer** has raised no objections to the proposed development

The **Council’s Highways Engineer** has raised no objections to the proposed development

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

The **Council's Senior Arboricultural Officer** has provided advice on the proposed landscaping scheme. Whilst the principle of the proposals are acceptable, further agreement needs to be reached on the number, type and species of the trees to be planted within the scheme.

Highways England has raised no objections to the planning application

Northern Gas Networks has raised no objections

Northern Powergrid has raised no objections to the proposed development

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2019

Borough of Darlington Local Plan 1997

E2 – Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document - Design for New Development

PLANNING ISSUES

This application relates to the approval of reserved matters following the grant of outline planning permission (15/00450/OUT). The principle of developing this phase of the wider site for residential purposes has been accepted by way of the outline permission. Consideration of the application is therefore limited to those reserved matters of layout, scale, appearance and landscaping having regard to the following matters:

- Access
- Landscape and Visual Impact
- Residential Amenity
- Ecology
- Flood Risk and Drainage
- Other Matters

Access

A number of highway improvement works were secured as part of the outline planning application to mitigate against the impact of the development on both the local and

strategic highway network. These improvement works included a number of offsite highway works and the provision of a link road running westwards from the roundabout at the southern end of Edward Pease Way joining a new roundabout on Newton Lane. These works have developed through to the advanced design stage, with the roundabout and access roads now subject to a completed Section 38/278 Agreement prior to implantation. A planning condition to ensure no more than 600 dwellings are constructed until works to improve the junction of the A68 West Auckland Road and Edward Pease Way were completed was also attached to the outline planning permission. These improvement works have also now been completed.

Vehicular access to the Stag House Farm site is to be via a new roundabout on Newton Lane on the eastern side of the site, from which a central spine road will run in an east-west direction through the site. The new link road will run westwards from this roundabout at the southern end of Edward Pease Way joining the eastern side of the new roundabout on Newton Lane.

Full details of the internal highway layout have been provided in support of this reserved matters application. The central spine road running through the site is a key feature of the development strategy. This is a 7.3m wide carriageway with a 4.0m wide pedestrian/cycleway running alongside from the new roundabout on Newton Lane to the southern extents. This is suitable for the expected magnitude of development and the potential future link to additional housing/through route located to the south towards Staindrop Road (B6279).

The Highway Engineer has advised that the design of the internal highways layout of the respective phases accords with the adoptable standards of construction, geometry, junction spacing and visibility, and have suitable pedestrian and cycle links to the surrounding infrastructure. Car parking provision across the phases is also in general compliance with the Tees Valley Design Guidance, following some localised amendments to the parking arrangements serving a number of plots across the site. More detailed issues of highway design and layout are covered by planning conditions attached to the original outline permission, and will be dealt with through discharge of the appropriate planning conditions.

The Construction Management Plans submitted with the discharge of condition application states that the site will be accessed from Newton Lane from the east with construction traffic accessing from the A1(M), A68, Edward Pease Way, the new Link Road and Newton Lane. No construction traffic or delivery vehicles will be permitted to access the site from the south via Newton Lane and Cockerton. Similarly, no construction traffic will be permitted to park on public roads for loading or unloading purposes. Such activities will take place inside the site compound. A road cleaning regime will be in place along with wheel washing facilities.

Overall, the Council's Highways Engineer has no objections to the proposed layout.

A new bus stop would be provided on Newton Lane as part of the highway improvements which would be implemented early in the construction phase of the development. The future occupants will have early access to the bus stop and eventually as the development build out rate progresses, it would be the intention for a

bus operator to enter and loop around the site. Monies have been secured via the Section 106 Agreement attached to the outline approval for public and sustainable transport contributions. The Council's Sustainable Transport Officer has raised no objections on this basis.

Highways England has raised no objections to the planning application from a highway safety perspective.

Landscape and Visual Impact

The outline planning permission was granted on the basis of an Indicative Masterplan and a Design and Access Statement which set out design principles for the development of the site which, for the Stag House Farm section, included the location of the residential areas, the position of SUDs basins on the south boundary, landscaped corridors running across the site, connectivity with the existing residential areas to the south, a landscaped linear park and bund on the west boundary with the A1(M) and access into the site via a new roundabout on Newton Lane and a link road from Edward Pease Way.

The proposed development comprises two and 2.5 storey properties which are a mix of detached, semi detached and terraced dwellings. The appearance of the dwellings are suitably varied with respect to roof forms, materials, detailing, design, contributing to high quality design and promoting legibility throughout the development. Amended plans have been submitted to revise the roof design of the dwellings located within the Barrett's phases of the development.

The rear gardens of the dwellings would primarily be enclosed by 1.8 high close boarded fencing with a few properties having 1.8m high brick walls and gates. The front gardens are either open plan or are enclosed by 1m high hedges. The means of enclosure to the front of the dwellings that are positioned along the new roundabout and main access road would be 1.2m high wrought iron railings.

The dwellings on the western edge of the site are orientated to address the A1 (M) with private amenity areas to the rear. A 50 metre wide landscaped mound adjacent to the western site boundary would provide a visual barrier between the application site and the A1 (M). The bund will be approximately 2m high with a 2m high acoustic willow fence running through the centre of this landscaped area.

The new dwellings located alongside the SUDs basins, the landscaped corridors and the linear park and bund are orientated to face onto these public areas to give natural surveillance. The dwellings on the east boundary are predominately orientated to front onto Newton Lane to create a street frontage along this highway. Albeit behind new planted hedgerows and trees.

A distributor road leads off the new roundabout on Newton Lane and loops around the central section of the site with a network of residential roads and cul de sacs leading from it. The proposal also includes pedestrian links to the Barnard Castle Railway Path to the south of the site via footpath links and bridge crossings over the SUDs basins which will provide connectivity to the existing housing areas to the south. There would

be footpath links directly onto Newton Lane from the two landscape corridors that dissect the site and at a three additional points in the housing layout.

The application site has been the subject of an arboricultural site survey which identified 46 trees including one group within the development area. These trees are either field boundaries within the site and some are located on the Newton Lane boundary. The trees are identified, within the survey, as being a mix of mature and over mature species. The survey identifies the trees are being 28 Category B (moderate quality) trees; 7 Category C (low quality) trees with 11 trees being Category U (a condition that they cannot be realistically be retained as living trees). None of the existing trees are covered by a tree preservation order.

In order to facilitate the proposed housing development, all of the surveyed trees would be removed. Sections of hedgerows forming field boundaries within the site and located alongside a section of Newton Lane would be removed to facilitate the housing development and the Newton Lane improvement works.

An extensive landscaping scheme has been submitted which proposes the planting of approximately 500 trees and new native hedging within front gardens, areas of open space and around the landscaped bund and SUDs basins. The replacement trees would be a mix of extra heavy standards, heavy standards and ornamental trees. The planting scheme also involves wildflower and species rich grass seeding in areas such as the public open spaces, SUDs basin and landscaped bund. New hedging and trees would be planted between the new dwellings and the upgraded highway on the edge of Newton Lane.

The Council's Arboricultural Officer has no objection to the proposed landscaping scheme in principle but further discussions are required to agree the appropriate tree species and locations within the overall scheme. The applicant is agreeable to the imposition of an appropriate planning condition.

In conclusion, the details of the proposed development relating to layout, scale, appearance and landscaping are in broad compliance with the design principles set out in the Masterplan and promote a high quality design that responds appropriately to the character of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy, the Design SPD and paragraph 127 of the National Planning Policy Framework.

Residential Amenity

Officers consider, given the scale, position and orientation of the proposed dwellings, and the degree of separation between properties, that the proposal would not result in harm to the amenity of future occupiers of the proposed dwellings. Due to the separation distances proposed, there are no existing dwellings that are directly affected by the redevelopment of this site in terms of outlook, loss of light or overlooking.

Construction Management Plans for the site submitted in connection with the discharge of condition application state that working hours will be restricted to 0800 to 1800 Monday to Friday; 0800 to 1300 Saturdays with no working on Sundays and Bank Holidays. Delivery vehicles will access and exit the site from 0730 to 1830 Monday to

Friday and 0730 to 1330 on Saturdays only. The Plan also includes measures for controlling dust, noise and vibration from the site.

As part of the original outline planning application a planning condition was imposed to ensure that Noise Impact Assessment was submitted at Reserved Matters stage in order to demonstrate that based on the finalised site layout, suitable noise levels in accordance with the relevant guidance would be achieved (internally and externally) taking into account location, orientation and design of the dwellings. The Noise Assessment submitted at outline stage assessed noise on the site from what was considered to be worst case receptor locations and concluded (based on worst case) that with mitigation suitable internal and external noise levels in accordance with relevant guidance could be achieved across the site in relation to protecting residential amenity.

The Noise Assessment Report submitted with this reserved matters application demonstrates that the levels shown to be achieved at the outline stage (relevant guidance levels) are achievable, based on the final site layout and the Council's Environmental Health Officer is satisfied that noise can be mitigated and reduced to a minimum so as not to give rise to a significant adverse impact on health and the quality of life of future occupants of the development (in accordance with the NPPF, 2019). The conceptual Masterplan submitted with the outline application is very similar to the Phasing Plans submitted with this application in relation to the areas proposed for residential development and distances/locations of these areas in relation to the noise sources influencing the site.

The proposed development would therefore be in accordance with the Policies CS2 and CS16 of the Core Strategy, the Design of New Development Supplementary Planning Document, and paragraph 127 of the National Planning Policy Framework.

Ecology

The outline planning application considered the ecological value of the wider development site and the potential impacts of redeveloping the site for residential purposes. In relation to the Stag House Farm site, the surveys which were submitted at that time indicated that bats were potentially present in the area, hedgerows within the site were species poor and predominately unmanaged and the species rich hedgerows had biodiversity level at a local scale. A survey for bird species concluded that it was the northern section of the development site, not Stag House Farm which had the highest utilisation by birds.

A Preliminary Ecological Appraisal (2018), Bird Appraisal Report (2018) and Bat Emergence/Return Survey (2018) submitted as part of the discharge of condition application provide updates on previous surveys carried out in 2014 to support the outline application. These updated surveys reaffirm that the Stag House Farm site is of low ecological value and concludes that the proposed development will have no significant ecological impacts, subject to appropriate ecological mitigation measures identified in these updated surveys and secured by the relevant planning condition.

As detailed previously, an extensive landscaping scheme is proposed throughout the site, including the landscaped bund and SUDs basin area to include a mix of heavy

standard and standard native trees, ornamental trees, native hedges, and wildflower planting areas. The scheme includes 20 bat boxes and 24 bird boxes being incorporated into the buildings which are interspersed throughout the development but primarily of dwellings in close proximity to the open space and SUDs basins.

The Council's Ecology and Landscape Officer has raised no objections to the proposed landscaping scheme and the enhancements from an ecological perspective.

Flood Risk and Drainage

The site lies within Flood Zone 1, which has a low probability of flooding. The proposed development includes the provision of a series of SUDs basins on the southern edge of the site. The majority of the surface water drainage system will be offered for adoption to Northumbrian Water with the SUDs basin maintained by a management company. The precise details of the drainage systems would be agreed in conjunction with the Local Lead Flood Authority, Northumbrian Water and the Environment Agency.

Other Matters

One of the objections relates to the lack of a secondary school in the area. The need for the provision of educational facilities was considered at the outline planning application stage. Five hectares of land within part of the Mount Pleasant Farm element of the larger development site has been set aside for a time period of ten years for a potential new school, if one is required.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed details in respect of layout, scale, appearance and landscaping, are considered to be acceptable and in accordance with the relevant policies as set out above.

RECOMMENDATION

THAT RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Notwithstanding the details shown on the approved plans, precise details of the tree species, number and locations within the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling. Upon approval of the scheme, it shall be 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. Thereafter any trees or shrubs removed, dying or severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme

maintained for a period of five years to the satisfaction of the Local Planning Authority

REASON: In the interests of the visual appearance of the site

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

- i. West Park, Darlington- Site Location Plan WP-SL-001
- ii. Proposed Site Plan 3829-10-01 P17
- iii. Infrastructure Plan WPD-S38-001 K
- iv. Public Open Space Plan WPD-PO-001 K
- v. Management Company Plan WPD-MC-001 C
- vi. Site Layout Plan SK/01 AC
- vii. Phasing Plan PH/01 T
- viii. Phase 1 WPD-PH-001 Q
- ix. Phase 2 WPD-PH-002 Q
- x. Phase 4 WPD-PH-004 M
- xi. Tree Removal Plan WP-TRP-001 B
- xii. Road Geometry 16T802-118 T4
- xiii. Proposed Highways Parking Plan 3829-10-02 P9
- xiv. Highways GA Plan 17T2246-110P3
- xv. Highways GA Plan 1 17T2246-111P4
- xvi. Highways GA Plan 2 17T2246-112P7
- xvii. Highways GA Plan 4 17T2246-113P7
- xviii. Highways GA Plan Central 17T2246-114P7
- xix. Northern Refuse Vehicle Swept Path Analysis 17T2146-100P3
- xx. Central Large Arctic Vehicle Swept Path Analysis 17T2246-101P2
- xxi. Central Bus Vehicle Swept Path Analysis 17T2246-102P2
- xxii. Southern Refuse Vehicle Swept Path Analysis 17T2146-103P2
- xxiii. Road Details 1 17T2246-115P2
- xxiv. Road Details 2 17T2246-116P1
- xxv. Road Details 3 17T2246-117P2
- xxvi. Road Longsection Phase 1 17T2246-118P2
- xxvii. Road Longsection Phase 2 & 4 17T2246-119 P6
- xxviii. Bus Stop Details Type 1 17T2246-120P1
- xxix. Bus Stop Details Type 2 17T2246-121P1
- xxx. Kerbing, Surfacing, Signage & Lining Details Overall 17T2246-123P1
- xxxi. Kerbing, Surfacing, Signage & Lining Details Phase 1 17T2246-124
- xxxii. Kerbing, Surfacing, Signage & Lining Details Phase 2 17T2246-125P1
- xxxiii. Kerbing, Surfacing, Signage & Lining Details Phase 4 17T2246-126P1
- xxxiv. Kerbing, Surfacing, Signage & Lining Details Central Road 17T2246-127 P1
- xxxv. Link Road & Phase 4 Road 7 Longsections 17T2246-128P4
- xxxvi. Tactile Paving Details 17T2246-129P1
- xxxvii. West Park Parking Schedule REV B D
- xxxviii. Arundel Ground Floor Plan AR-WP-10 B
- xxxix. Arundel First Floor Plan AR-WP-20 A
- xl. Arundel Front Elevation AR-S-50 F
- xli. Arundel Rear Elevation AR-S-51 D

- xlii. Arundel Left Side Elevation AR-S-52 C
- xlili. Arundel Right Side Elevation AR-S-53 B
- xliv. Durham Ground Floor Plan DH-WP-10 B
- xlv. Durham First Floor Plan DH-WP-20
- xlvi. Durham Front Elevation DH-S-50 F
- xlvii. Durham Rear Elevation DH-S-51 E
- xlviii. Durham Right Side Elevation DH-S-52 E
- xliv. Durham Left Side Elevation DH-S-53 E
- I. Ely Ground Floor Plan EL-WP-10MT A
- li. Ely Ground Floor Plan EL-WP-10SD
- lii. Ely First Floor Plan EL-WP-20
- liii. Ely Left Side Elevation Plan EL-S-53
- liv. Ely Front Elevation Plan EL-S-54MT B
- lv. Ely Front Elevation Plan EL-S-54SD
- lvi. Ely Rear Elevation Plan EL-S-55 A
- lvii. Ely Right Side Elevation Plan EL-S-56 B
- lviii. Lancaster Ground Floor Plan LA-WP-10 C
- lix. Lancaster First Floor Plan LA-WP-20 A
- lx. Lancaster Front Elevation LA-S-54 A
- lxi. Lancaster Rear Elevation LA-S-55 E
- lxii. Lancaster Right Side Elevation LA-S-56 A
- lxiii. Lancaster Elevation LA-S-57 B
- lxiv. Larch Ground Floor Plan LR-WP-10 C
- lxv. Larch First Floor Plan LR-WP-20 B
- lxvi. Larch Front Elevation LR-S-50 C
- lxvii. Larch Rear Elevation LR-S-51 A
- lxviii. Larch Right Side Elevation LR-S-52
- lxix. Larch Left Side Elevation LR-S-53
- lxx. Lichfield Ground Floor Plan LD-WP-10 B
- lxxi. Lichfield First Floor Plan LD-WP-20
- lxxii. Lichfield Front Elevation LD-S-50 D
- lxxiii. Lichfield Rear Elevation LD-S-51 E
- lxxiv. Lichfield Right Side Elevation LD-S-52 D
- lxxv. Lichfield Left Side Elevation LD-S-53 D
- lxxvi. Lincoln Ground Floor Plan LN-WP-10 B
- lxxvii. Lincoln First Floor Plan LN-WP-20
- lxxviii. Lincoln Front Elevation Plan LN-S-53 A
- lxxix. Lincoln Rear Elevation Plan LN-S-51 B
- lxxx. Lincoln Side Elevation Plan LN-S-52 A
- lxxxii. Norwich Ground Floor Plan NO-WP-10 D
- lxxxiii. Norwich First Floor Plan NO-WP-20 A
- lxxxiv. Norwich Front Elevation Plan NO-S-51D
- lxxxv. Norwich Rear Elevation Plan NO-S-55 E
- lxxxvi. Norwich Side Elevation Plan NO-S-50 D
- lxxxvii. Peterborough Ground Floor Plan PT-WP-10 C
- lxxxviii. Peterborough First Floor Plan PT-WP-20
- lxxxviii. Peterborough Second Floor Plan PT-WP-25 B
- lxxxix. Peterborough Front Elevation Plan PT-S-50 F
- xc. Peterborough Rear Elevation Plan PT-S-51 E

- xc. Peterborough Side Elevation Plan PT-S-52 B
- xcii. Ripon Ground Floor Plan RI-WP-10 B
- xciii. Ripon First Floor Plan RI-WP-20 A
- xciv. Ripon Rear Elevation Plan RI-S-51 A
- xcv. Ripon Right Side Elevation Plan RI-S-53 A
- xcvi. Ripon Front Elevation Plan RI-S-54 D
- xcvii. Ripon Left Side Elevation Plan RI-S-55 A
- xcviii. Rochester Ground Floor Plan RO-WP-10 C
- xcix. Rochester First Floor Plan RO-WP-20
 - c. Rochester Front Elevation Plan RO-S-50 F
 - ci. Rochester Rear Elevation Plan RO-S-51 E
 - cii. Rochester Right Side Elevation Plan RO-S-52 C
 - ciii. Rochester Left Side Elevation Plan RO-S-53 C
- civ. Shrewsbury Ground Floor Plan SW-WP-10 C
- cv. Shrewsbury First Floor Plan SW-WP-20
- cvi. Shrewsbury Front Elevation Plan SW-S-50 E
- cvi. Shrewsbury Rear Elevation Plan SW-S-51 E
- cvi. Shrewsbury Right Side Elevation Plan SW-S-52 E
- cix. Shrewsbury Left Side Elevation Plan SW-S-53 E
- cx. Southwark Ground Floor Plan SK-WP-10 B
- cx. Southwark First Floor Plan SK-WP-20
- cxii. Southwark Rear Elevation SK-S-51 C
- cxiii. Southwark Right Side Elevation SK-S-52A
- cxiv. Southwark Left Side Elevation SK-S-53 C
- cxv. Southwark Front Elevation SK-S-50 B
- cxvi. Westminster Ground Floor Plan WM-WP-10A
- cxvii. Westminster First Floor Plan WM-WP-20
- cxviii. Westminster Front Elevation WM-S-60 A
- cxix. Westminster Rear Elevation WM-S-70 A
- cxx. Westminster Left Side Elevation WM-S-80 A
- cxxi. Westminster Right Side Elevation WM-S-90 X
- cxxii. Leicester Ground Floor Plan LE-WP-10 A
- cxxiii. Leicester First Floor Plan LE-WP-20 B
- cxxiv. Leicester Front Elevation LE-S-60 A
- cxxv. Leicester Rear Elevation LE-S-70 A
- cxxvi. Leicester Left Side Elevation LE-S-80 A
- cxxvii. Leicester Right Side Elevation LE-S-90 A
- cxxviii. Winchester Ground Floor Plan WIN-WP-10B
- cxxix. Winchester First Floor Plan WIN-WP-20 B
- cxxx. Winchester Front Elevation Plan WIN-S-50 A
- cxxx. Winchester Rear Elevation Plan WIN-S-51 B
- cxxxii. Winchester Left Side Elevation Plan WIN-S-52 D
- cxxxiii. Winchester Right Side Elevation Plan WIN-S-53
- cxxxiv. Single Garage Design WP-GD-001
- cxxxv. Twin Garage Design DRL-GD-002
- cxxxvi. Double Garage Design DRL-GD-001
- cxxxvii. Treble Garage Design WP-GD-004
- cxxxviii. Treble Garage Design WP-GD-005
- cxxxix. Alderney – Planning – Detached BH_M_2016_H

- cxl. Derwent – Planning – Detached BH_M_2016_H
- cxli. Kenley – Planning – Terrace mid BH_M_2016_H
- cxlii. Kenley – Planning – Terrace end BH_M_2016_H
- cxliii. Maidstone - Planning - Terrace mid BH_M_2016_H
- cxliv. Maidstone – Planning – Terrace end BH_M_2016_H
- cxlv. Moresby – Planning – Terrace end BH_M_2016_H
- cxlvi. Moresby – Planning – Detached BH_M_2016_H
- cxlvii. Palmerston – Planning – Terrace mid BH_M_2016_H
- cxlviii. Palmerston – Planning – Terrace end BH_M_2016_H
- cxlix. Radleigh – Planning – Detached BH_M_2016_H
- cl. Windermere – Planning – Detached BH_M_2016_H
- cli. Chester – DET – Front Gable Central – Planning GDT_2016_CL
- clii. Lutterworth DET Central Planning GDT_2016_cl
- cliii. Double garage BLDG2H6
- cliv. Single garage
- clv. Proposed Boundaries Refuse Plan 3829-10-03 P11
- clvi. Proposed Materials Plan 3829-10-04 P9
- clvii. Site Layout Elevational Treatments WPD-MF-001 B
- clviii. Site Section WPD-SS-01 C
- clix. Material Finishes Mood Board WPD-MB-001
- clx. Phase 1- Estate Road 2
- clxi. Phase 1- Estate Road
- clxii. Phase 1- Shared Drive & SuDS Area 2
- clxiii. Phase 1- Shared Drive & SuDS Area
- clxiv. Phase 1- Site Entrance
- clxv. Phase 2- Estate Road 2
- clxvi. Phase 2- Estate Road
- clxvii. Phase 4 Bund Construction- Year 1
- clxviii. Phase 4 Bund Construction- Year 5
- clxix. Material Finishes Mood Board WPD-MB-001
- clxx. Site Layout SK/01 AD
- clxxi. Landscape Strategy 1106_100 B
- clxxii. Art Feature Type and Location 1106-SK01 A
- clxxiii. Landscape Management Plan 1106-R01
- clxxiv. Landscape Strategy- Whole Site 1106_101 E
- clxxv. Indicative Detail SuDS Bridge 1 1106-120 C
- clxxvi. Indicative Detail SuDS Bridge 2 1106-121
- clxxvii. Indicative Detail SuDS Bridge 3 East Elevation 1106-122
- clxxviii. Indicative Detail SuDS Bridge 3 West Elevation 1106-123
- clxxix. Site Section WPD-SS-01 C
- clxxx. Woven & Mesh Green Barrier Project Profile
- clxxxi. Woven & Timber or mesh 120 G CE Data Sheet

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

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

National Planning Policy Framework 2019

Borough of Darlington Local Plan 1997

E2 – Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington’s Sub Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document - Design for New Development

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