

# Planning Applications Committee Agenda



**1.30 pm Wednesday, 5 June 2019  
Committee Room No. 2, Town Hall,  
Darlington. DL1 5QT**

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
4. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation
  - (a) Land North Of Coniscliffe Road (Pages 1 - 56)
  - (b) Land South Of Staindrop Road (Pages 57 - 118)
  - (c) Land To The West & South Of Station Road, Middleton St. George (Pages 119 - 152)
5. 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
6. Questions

## **PART II**

7. Notification of Decision on Appeals –

The Director of Economic Growth and Neighbourhood Services will report that the Inspectors appointed by the Secretary of State for the Environment have:-

Allowed the appeal by Mr Nimmo against this Authority's decision to refuse permission for Erection of detached garage at Creebeck House, Roundhill Road Hurworth Moor (18/00765/FUL) (Copy of Inspector's decision letter enclosed)

Dismissed the appeal by Mr Charlton against this Authority's decision to refuse permission for a Erection of a detached dwelling (additional site investigation and ecological survey received 14 June 2018, additional tree report received 19 June 2018, amended plans received 18 June 2018, further amended floor plans and elevations received 10 August 2018 and amended site plan received 14 September 2018) at Land At 14 Dibdale Road, NEASHAM (18/00333/FUL) (Copy of Inspector's decision letter enclosed)

Dismissed the appeal by Mr A & Mrs S Pearson-Turner against this Authority's decision to refuse permission for Works to a tree protected under Tree Preservation Order (No 9) 2008 - Felling of 1 No. Maple Tree (T2) at 10 Edinburgh Drive, DARLINGTON, DL3 8AW (18/00676/TF) (Copy of Inspector's decision letter enclosed)

Allowed the appeal by Ms Jessica Emmerson against this Authority's decision to refuse permission for Change Of Use Of Ground Floor Of Existing Domestic Garage To Commercial Kennels For Up To 8 Dogs (Use Class Sui Generis) And Creation Of Parking Area For 4 No. Vehicles and New Vehicular Access From Walworth Road (Re-submission) at Castle Farm, Walworth Road, WALWORTH (18/00866/CU) (Copy of Inspector's decision letter enclosed)

Dismissed the appeal by Mr John Mark Hinnigan against this Authority's decision to refuse permission for Erection of a detached garage at the front (retrospective) at 43 Staindrop Crescent, DARLINGTON, DL3 9AQ (18/01051/FUL) (Copy of Inspector's decision letter enclosed)

**RECOMMENDED – That the report be received.**

(Pages 153 - 172)

8. Notification of Appeals –

The Director of Economic Growth and Neighbourhood Services will report that:-

Homes by Carlton has appealed against this Authority's split decision to refuse permission for Approval of details reserved by Condition 10 part discharge (road condition survey), 11 (road safety audit) and 18 (assessment of trees for bat roosts) attached to outline planning permission 15/00976/OUT dated 1 July 2016 (Outline planning permission for residential development up to 200 dwellings including highway improvements, public open space at Land At Rear Of High Stell/Grendon Gardens, MIDDLETON ST GEORGE. (18/00959/CON)

Mr Taylor has appealed against this Authority's decision to refuse permission for an Outline application for erection of 1 No. dwelling (with all matters reserved except for access), at Land OSGR E422805 N515303 Mill Lane, Mill Lane HIGH CONISCLIFFE. (18/00742/OUT)

Hewitson Group has appealed against this Authority's decision to refuse permission for Erection of 4 No. detached dwellings with detached garages and associated landscaping, at Land Adjacent to 80 Merrybent DARLINGTON. (18/00856/FUL)

Mr John Hinnigan has appealed against this Authority's decision to refuse permission for Erection of a detached garage at the front (retrospective), at 43 Staindrop Crescent, DARLINGTON DL3 9AQ. (18/01051/FUL)

Mr & Mrs S & K Simpson has appealed against this Authority's decision to refuse permission for a Loft conversion with dormer window to side and erection of extension to rear with additional window within roof space, at 354 Coniscliffe Road DARLINGTON, DL3 8AG (18/00812/FUL)

**RECOMMENDED – That the report be received.**

### **PART III**

#### **EXCLUSION OF THE PUBLIC AND PRESS**

9. To consider the Exclusion of the Public and Press –

**RECOMMENDED** - That, pursuant to Sections 100B(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 of the Act.

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 22nd May 2019 (Exclusion Paragraph No. 7) –  
Report of Director of Economic Growth and Neighbourhood Services  
(Pages 173 - 180)
11. 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
12. 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](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

**DARLINGTON BOROUGH COUNCIL****PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 5<sup>th</sup> June 2019**

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<b>APPLICATION REF. NO:</b>	17/00632/OUTE
<b>STATUTORY DECISION DATE:</b>	7 <sup>th</sup> June 2019
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Land North Of Coniscliffe Road DARLINGTON
<b>DESCRIPTION:</b>	Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access (Additional Phasing Plan and Noise Assessment and Amended Flood Risk Assessment and Masterplan received 8 November 2017; additional Archaeology Report received 7 February 2018; additional Transport Assessment Addendum and additional Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019)
<b>APPLICANT:</b>	Taylor Wimpey UK Limited

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**APPLICATION AND SITE DESCRIPTION**

The application site is "T shaped" and measures 28.27 hectares on the western edge of Darlington bounded by the Baydale Beck to the east, agricultural fields and Staindrop Road to the north, Coniscliffe Road A67 to the south, and by a community woodland, agricultural land and Merrybent Drive alongside the A1 (M) to the west. The site is currently in arable use.

Further to the east of the site, on the opposite side of the Beck lies existing residential development of Mowden housing estate and Broken Scar Water Treatment Works. To the south of the site lies Coniscliffe Road A67, River Tees and Low Coniscliffe.

The existing rights of way network includes routes across the site connecting to Coniscliffe Road, Staindrop Road and Baydale Beck. Footpaths to the east and the north of the site provide linkages to Cockerton, Banksome and West Park.

This is an outline planning application to redevelop the site for residential purposes for up to 535 dwellings, including affordable housing, with all matters reserved apart from the means of access, which would be from Coniscliffe Road. The scheme includes elements of open space, landscaping and a surface water drainage scheme including SUDs basins. Matters such as landscaping, layout, appearance and scale will be considered as part of future Reserved Matters submissions.

It is envisaged that the site would be brought forward in phases. The construction programme for the site has yet to be fully determined and is dependent on timescales for receiving outline planning permission and then the subsequent reserved matters approval. It is, however, envisaged that a start on-site will be made in 2020 with the first completions taking place in late 2020 / early 2021.

### **Planning Obligations**

The applicant has agreed to enter into a Section 106 Agreement to secure financial contributions towards the following:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

### **Masterplan and Planning Application Reference number 16/00636/OUTE**

The planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the north and the planning application (ref no: 16/00636/OUTE) also forms part of this Agenda.

The planning application to the north has been submitted by Gladman Developments Limited and both applicants have worked together, in conjunction with the Council to produce the Masterplan upon which the individual applications are based.

Overall, the Masterplan covers an area of 76.78 hectares and will deliver a range of benefits for the local community and meet the housing requirement for Darlington Borough Council. The development will create up to 1,520 dwellings (42.54 hectares), along with a range of facilities to meet the needs of the growing community including a local convenience store (0.2 hectares), a primary school (1.83 hectares), a GP Surgery (0.37 hectares) and recreational facilities all set within public open space (29.43 hectares). There would also be equipped play areas, SUDs basins, playing fields and parking provision.

The Masterplan shows the indicative arrangement of new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes).

### **Statement of Community Involvement**

Gladman Developments and Taylor Wimpey engaged in a process of community engagement with the residents of Darlington on the wider Masterplan in advance of submitting this application.

Full details of this have been set out in the Statement of Community Involvement submitted with this application.

A public consultation event was held at Darlington Mowden Junior School on the 9th November 2016. A series of nine exhibition boards were displayed to the public introducing the scheme and illustrating the design development. Members of the public had the opportunity to discuss the proposals with representatives from the design team. The public were also invited to comment upon the draft development proposals.

Letters were also sent to appropriate stakeholders and meetings were held with certain groups including the Low Coniscliffe and Merrybent Parish Council and the local Action Group. A presentation was made to Members of Darlington Borough Council in January 2017.

The responses to these exercises were wide ranging which were responded to by both applicants. One of the main changes that evolved following this exercise was the inclusion of a GP within the 16/00636/OUTE site.

The above process was carried out in accordance with the Council's Statement of Community Involvement document.

### **Environmental Impact Assessment**

Since the planning application has been submitted the Department for Communities and Local Government (DCLG) deemed that the application is an Environmental Impact Assessment development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application. The ES considers the impact of the development under the following headings:

1. Traffic and Transport;
2. Air Quality
3. Noise and Vibration

Officers are satisfied that the content of the ES meets the Screening Direction that was issued by the DCLG. The EIA has been advertised and consulted upon in accordance with the Regulations 2017 and a copy of the Non-Technical Summary has been forwarded to the DCLG on behalf of the Secretary of State.

### **The "Call In" Request**

Members are advised that the Secretary of State (the National Planning Casebook Unit) has been requested by a third party to "call in" the planning application. It is normal practice for the Local Planning Authority to determine the planning application and then if the application has been minded by Members to be approved the Secretary of State

will consider the request and then advise the Council as to whether the Secretary of State wishes to call in the planning application

**Application documents, detailed plans, the Environmental Statement, consultation responses, representations received and other background papers are available on the Darlington Borough Council website**

## **PLANNING HISTORY**

The most recent planning history for the site is:

10/00574/DC In October 2010 planning permission was GRANTED for the construct of bridleway and bridge

## **RESULTS OF CONSULTATION AND PUBLICITY**

The Local Planning Authority issued 1790 consultation letters with local residents and erected a number of Site Notices and placed an advert in the Local Press when the application was first received and also when the Environmental Statement and additional information was received. A total of 260 letters of objection and 4 letters of representation have been received and the comments can be summarised as follows:

- *It is unlikely that the employment of those new people in the new development will be in the town of Darlington*
- *Any significant increase in traffic upon Coniscliffe Road/Cockerton/Elm Ridge will affect the convenience and safety of local road users*
- *There is no current infrastructure in respect of senior schools*
- *There is a lack of a secondary school*
- *The current and proposed road changes will be insufficient to meet the increased level of traffic in the immediate area*
- *This is being built upon green belt farmland and this will be an ecological loss to the whole area*
- *Far more detailed survey of traffic movements should be undertaken*
- *Baydale Beck is a floodplain*
- *Northumbrian Water has a major chlorine store at the Water treatment Works*
- *The wildlife will be greatly endangered*
- *Darlington had many other residential sites identified and on the radar well before this difficult site, why are these not being brought forward if we have such an urgent need to houses*
- *The development will cause the loss of more arable and green land at an attractive approach to Darlington*
- *This will create air pollution, noise and light pollution and will contaminate Baydale Beck*
- *Contravention of Public Rights of Way*
- *Increase of costs to support extra Police/Fire and ambulance services*
- *Increased pressure on social services*
- *There is no details on garages, drives and parking areas for the new dwellings*
- *The development will decrease air quality*
- *This area of countryside will be taken away*
- *There will be a need for traffic calming measures*



- *Schools are already over capacity*
- *Why does Darlington need extra housing?*
- *Residential parking on Coniscliffe Road will have road safety implications*
- *The increase in surface water runoff from the area will impact on the Baydale Beck and the area between the Beck and housing*
- *The Beck cannot take any more volume as it is at its maximum from the present housing on Mowden and drainage pipes get blocked with silt and rubbish causing blockages*
- *There has already been too many houses built recently in the area such as Merrybent Drive*
- *There is a real danger of losing all green spaces directly around us and becoming absorbed into the town*
- *This has been submitted to provide a pension for the landowner*
- *The scheme does not address the current need for affordable homes*
- *This planning application and the site to the north should be looked at as a whole and not as separate applications*
- *This development will have an adverse impact on the work that has already been done to preserve and conserve wildlife, habitat and fauna*
- *Healthcare facilities will not be able to cope with this increase in population*
- *This development will increase the reliability of the motor car rather than encourage cyclists and walking*
- *The road into the development will be extremely hazardous*
- *There is a lack of facilities for young people*
- *Broadband connection on this area of Mowden is already very slow and this development will stretch the service further*
- *The site lies outside of development limits*
- *There will be an increase in dust pollution*
- *The area is already congested at peak times and cannot take any more vehicles*
- *When will the proposed school be built?*
- *The spine road will be a “rat run”*
- *The land should be kept as agricultural land*
- *There are insufficient community facilities within the development*
- *Where are the jobs for these new people?*
- *Splitting the scheme into two has allowed you to make two traffic impact assessments when clearly it should be considered as a whole.*
- *New infrastructure should be in place before a development of this size is undertaken and this is definitely not the case with this application.*
- *More cars on the road will lead to pedestrian safety concerns*
- *A safe cycle route is required showing safe links to offsite facilities and on Coniscliffe Road between the access point and existing cycles lanes*
- *The land proposed for a school will not be built so more houses will be built instead*
- *The Beck floods regularly and we are concerned that the development will lead to the creation of a floodplain on the fields behind existing houses putting them at risk*
- *Is there a demand for housing when taking account of all the other housing developments taking place?*

- *There is no evidence that there is a need for a development of this scale*
- *The development is urban sprawl*
- *Building a school so close to the motorway will put pupils at risk from dangerous roads and pollution*
- *The development are likely to have a detrimental impact on great crested newts*
- *The development will have a negative impact on the environment*
- *An increase of vehicles in the area from the new estates would cause immense pressure on the local road network even with the proposed traffic measures*
- *There are no traffic mitigation measures being planned around Elm Ridge roundabout despite the traffic plan showing over capacity*
- *It is clearly fundamentally incorrect that the new housing estate will be entering the town via public transport, cycle or walking as per the traffic model*
- *There is no consideration to allow traffic to exit the town onto the A1 unless it uses Blands Corner roundabout or West Auckland Road which are already heavily congested*
- *As there is only one shop, the existing shops on Mowden will be used and there is insufficient parking there at present for the Mowden community*
- *The Baydale Beck has a history of flooding problems*
- *This development will increase levels of antisocial behaviour*
- *The Council should take into account the Low Coniscliffe and Merrybent Parish Council Neighbourhood Plan*
- *The development is contrary to local development plan policies*
- *The development will have an adverse impact on the existing footpaths and bridleways in the area which are currently enjoyed very well used. The area will change from a rural green belt area to a built up area*
- *These open areas should be safeguarded in times of mental health problems, rising obesity*
- *Other brownfield sites should be built upon*
- *The provision of sustainable transport does not work*
- *The extent of the buffer zone between the Beck and the new housing is not sufficient*
- *We don't agree with the comments from the Bird Club that the site is not important for birds*
- *Environmental damage would result during and following construction*
- *I don't feel this proposal will bring greater prosperity to Darlington as the negative aspects outweigh any positives for those living here*
- *More road journeys will result in more wear and tear and associated repairs to the existing roads, drainage and other buried services*
- *It is quite disconcerting that the Environment Agency refers to and recommends conditions in line with the submitted Flood Risk Assessment*
- *The Council do not need this site to meet the 5 year housing land supply requirement*
- *The farmland should be protected for food production*
- *The development would have an adverse impact on the A1 (M) and the A66 (M)*
- *These proposals will lead to the destruction of one of the best natural landscapes on the outskirts of Darlington*

- *The new environmental report does not in my opinion adequately address the noise from the motorway and as far as I could comprehend a 1.6m high wooden fence would be the answer to keeping noise levels to within the 55Db limit!*
- *The Council still does not have a robust development plan, but importantly the previous principles should still count, and until this plan is approved maybe all large developments applications should be suspended*
- *If a shortfall is the case in the longer term and without an approved Local Plan then I assume it would be good practice to bring forward all identified sites under the 2010 plan and continue to explore all brownfield sites eg DSRM Whessoe Road and include all council owned land*
- *The proposal is premature, in view of the forthcoming Low Coniscliffe and Merrybent Parish Neighbourhood Plan and the Council's Local Plan*
- *The proposal would be site on greenfield, contrary to the Council's Green Infrastructure Strategy and would result in the loss of high grade agricultural land of future benefit to the local community and farming industry*
- *The proposal is contrary to policy E2 of the Local Plan and CS1 of the Core Strategy*
- *The proposal would have a detrimental effect on local highways infrastructure due to a significance increase in traffic estimated at a further 1200 vehicles movements per day*
- *The proposal would have a harmful and detrimental effect on wildlife and the environment due to ground contamination, noise and air pollution from the construction phases*
- *The proposal would be harmful to the wildlife and natural landscape, highly valued by the local community;*
- *The proposal is contrary to the Low Coniscliffe and Merrybent Neighbourhood Plan which is representative of the Parish Community*
- *The proposal is unsustainable from environmental, social and economic perspectives*
- *The Council cannot already demonstrate a housing land supply well in excess of 5 years and do not need this development*
- *The development is unsustainable as there are no facilities and services within this area*
- *The development will create further urban crawl*
- *Noise from both the A1(M) and the A67 should render these developments inappropriate*
- *Any amenities proposed are inadequate for a development of such a large scale*
- *There is no community or social centre or proposal for medical provision*

Darlington Friends of the Earth submitted two detailed responses objecting to the planning application. The comments can be summarised as follows:

- *It will be contrary to the Council's Green Infrastructure Strategy and to a number of Core Strategic planning policies*
- *The development will exacerbate traffic congestion and degrade air quality with major implications on the wider highway network*
- *The loss of farmland and the increase in built up areas increases the risk of Staindrop Road being flooded from the Baydale Beck*

- *The site is close to Broken Scar Water Treatment Works. What mitigation measures are in place should there be a leak of chlorine gas?*
- *It is very unfortunate that biodiversity has been scoped out of the EIA process but we considered there will be a habitat loss for farmland and riparian birds which are likely to disappear from the area*
- *The developments will be contrary to the Council's local development plan policies and intentions*
- *The developments will be contrary to National Planning Policy Framework which requires planning decisions to enhance the natural environment*
- *These two developments should be considered as one. It will negatively impact upon the wildlife, the air quality (increased traffic), lack of secondary schooling in the immediate area. There is also a considerable quantity of additional housing under construction and one must question the need for more on green land*

The Darlington Bird Club has commented with two detailed responses objecting to the application which can be summarised as follows:

- *Whilst I cannot object to the application on the basis that these sites are presently important for birds, I am very concerned that the application appear contrary to the Council's Green Infrastructure and local planning policies and this has to be taken tin consideration*
- *It is unfortunate that biodiversity has been scoped out of the EIA as the impacts of the proposed development on the enhancement of the Baydale Beck is vital to assess*

The Campaign for the Protection of Rural England has submitted a detailed objection to the application. They have objected on the following grounds:

- *The need for this proposal*
- *Prematurity*
- *The proposed use of a large greenfield site*
- *Conflict with the Darlington Infrastructure Strategy*
- *Traffic Issues*
- *Noise Issues*
- *Conflict with other development plan policies*

The Campaign for the Protection of Rural England submitted further comments disagreeing with the Council's planning policy position and requests that the applications are not determined until the Emerging Local Plan has undergone an Examination in Public

Low Coniscliffe and Merrybent Parish Council has objected to the planning application. The detailed response can be summarised as follows:

- *The proposed development lies in the open countryside and outside of the Darlington settlement boundary and it would result in coalescence. The development is contrary to planning policy*

- *The NPPF and the presumption in favour of sustainable development does not change the statutory purpose of the development plan and there are no material planning considerations carrying sufficient weight to justify development contrary to it*
- *The application site lies within a Minerals Safeguarding Area and no evidence has been provided to demonstrate the need for the development outweighs the need for the mineral resource and the development is contrary to development plan policy*
- *The Annual Position Statement on the five year housing land supply position has not been considered by the Secretary of State*
- *The emerging Local Plan cannot be relied upon as part of the decision making process*
- *The position statement clearly illustrates that recent completion rates are very high. Whilst the housing requirement figures are not a ceiling, given the substantial level of land available within the current five year period and the uncertainty over the soundness of the emerging Local Plan, it is submitted that the application should be refused as it is premature. Paragraph 49 of the NPPF sets out limited circumstances where a refusal on the grounds of prematurity may be appropriate*
- *The proposal is clearly contrary to a number of policies within the Low Coniscliffe and Merrybent Neighbourhood Plan*
- *The Parish Council share the expressed concerns that residents have already raised in objection to the planning application regarding highway impacts. I would ask the planning authority and its consultees to carefully scrutinise the data on which the conclusions of the EIA are based as the suggestion that with minor junction improvements and a travel plan the highway impacts will be negligible is far from convincing*

Jenny Chapman MP has contacted the Council having been contacted by a constituent and another resident who wished to remain anonymous. The letter states:

- *Both have contacted me about the impact of the proposed Coniscliffe Park developments. In summary they are worried about the scale of this development, the impact on traffic and congestion, the loss of amenities, the potential impact on wildlife and the environment more generally, and the potential for part of the site to be flooded. Given the scale and potential impact of this development, I share my constituents concerns*

Phil Wilson MP has contacted the local planning authority with a letter of objection from a local resident from Westbeck Grove.

### **Consultee Responses**

The **Council's Highways Engineer** has raised no objections subject to the imposition on appropriate planning conditions

The **Council's Environmental Health Officer** has raised no objections subject to the imposition of conditions relating to land contamination; construction impacts and noise

The **Council's Sustainable Transport Officer** has provided advice on the planning application and requested planning obligations

The **Council's Historic Asset Officer** has raised no objections

The **Council's Senior Ecology and Landscape Officer** has requested the imposition of planning conditions

The **Council's Senior Arboricultural Officer** has requested the submission of tree reports and protective fencing which all be secured by planning conditions

The **Council's Countryside Access Officer** has raised no objections to the proposed development

**Historic England** has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

**Northern Gas Networks** has raised no objections

**Northumbrian Water** has raised no objections subject to the imposition of planning conditions

The **Durham Constabulary Architectural Liaison Officer** has provided general "Crime Prevention through Environmental Design" advice in relation to safety and security measures for housing developments

**Highways England** has raised no objections to the development and withdrawn their holding objection subject to the imposition of planning conditions relating to a detailed scheme for the off-site highway improvement works at Bland's Corner

**Environment Agency** has raised no objections subject to the imposition of planning conditions relate to flood risk, drainage and ecology

The **Lead Local Flood Authority** has raised no objections subject to the imposition of conditions relating to drainage

The **Durham County Council Archaeology Team** has requested the imposition of planning conditions

**Sport England** support the planning application provided that playing pitches are used by the community and maintenance costs are secured.

## **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

### **Saved Borough of Darlington Local Plan 1997**

E2 Development Limits

E12 Trees and Development

E14 Landscaping and Development

H7 Areas of Housing Restraint

### **Darlington Core Strategy Development Plan Document 2011**

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)

CS2 Achieving High Quality, Sustainable Design

CS3 Promoting Renewable Energy

CS4 Developer Contributions

CS10 New Housing Development (parts out of date)

CS11 Meeting Housing Needs

CS14 Promoting Local Character and Distinctiveness

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety

CS17 Delivering a Multifunctional Green Infrastructure Network

CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

## **Tees Valley Minerals Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

## **National Planning Policy Framework 2019**

## **Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)**

LCM 1: Landscape

LCM 2: Tranquillity

LCM 3: Green Infrastructure

LCM 5: Biodiversity

LCM 6: Wildlife Corridors

LCM 8: Design

LCM 11: General location of new development (Settlement Boundaries)

LCM 18: Transport and New Developments

LCM 19: Public Rights of Way

### **Other Documents**

Planning Obligations SPD 2013

Design of New Development SPD 2011

Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)

### **PLANNING ISSUES**

The main issues to be considered here is whether the proposed development is acceptable in the following terms:

- Planning Policy
- Impact upon the Mineral Safeguarding Area
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of Agricultural Land
- Design and Layout and Impact on the Character and Appearance of the Area
- Highway Safety
- Residential Amenity
- Flood Risk and Drainage
- Air Quality
- Noise
- Land Contamination
- Impact on the Setting of Heritage Assets
- Impact on Existing Trees and Landscaping
- Impact on Footpaths and Public Rights of Way
- Ecology
- Affordable Housing
- Sport Provision
- School Places
- Developer Contributions
- Delivery

## **Planning Policy**

Planning law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

In relation to housing, the NPPF (2019) requires local authorities to plan positively for housing development to meet the needs of their area.

The Ministry for Housing Communities and Local Government announced that Councils should start using the government’s new standard method for assessing housing need immediately when determining applications. National Planning Policy Guidance has also been updated to reflect this. The guidance states, housing requirement figures identified in strategic policies should be used as the starting point for calculating the five year land supply figure for the first five years of the plan and where the strategic housing policies are more than 5 years old, but have been reviewed and are found not to need updating. In other circumstances, the starting point for calculating the five year land supply will be local housing need using the standard method. Utilising the local housing need figure for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council considers that a 17 year supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

A 5% buffer has been applied to the five year supply figure. The Council has produced a Five Year Housing Land Supply Position Statement (April 2019) which sets out the housing land supply position for the period 1 April 2019 to 31 March 2024, when measured against the local housing need figure.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable, sustainable and deliverable for housing development in the emerging Local Plan.

The aim of saved policy E2 of the Local Plan 1997 is to direct new development to within the development limits and to safeguard the character and appearance of the countryside. The application site is located beyond the development limits of the main urban area and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington’s Sub-Regional Role and Locational Strategy) of the Core Strategy (2011).

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to policy E2 there are other material considerations which should be considered in the planning balance.



The Council is currently preparing a new Local Plan and a draft version has been consulted upon. Evidence base work to support the emerging Local Plan included an update to the Strategic Housing Market Assessment which was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This housing requirement is significantly higher than the Government's local housing need figure for Darlington. The Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. In line with Government policy and guidance, the emerging Local Plan can only be afforded limited weight at this stage in its preparation. As outlined above, the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure (177), which does include the application site. However, once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted. In effect the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

It is important to note that the second part of saved policy E2 relating to the protection of the character and appearance of the countryside is still relevant and the impact of the development on the countryside should be considered in the planning balance. It is set out elsewhere in this Report that it is considered that residential development on this site would not have a significant impact on the character and appearance of the countryside.

The site is an extension to the existing urban area potentially with access to existing services /facilities and also adjacent to one of the main highway routes into the town and public transport services. Although each application should be considered on its own merits, as outlined above, the Council is also currently considering an outline application to the north of this site for up to 985 dwellings, convenience store, land for a primary school and early year's school and a sports pitch. A joint design and access statement and master plan has been prepared for the sites to ensure a cohesive approach. If the larger northern site is approved, the facilities and services proposed would improve the sustainability of this southern site. However, if the applications are not co-dependent, consideration should be given to the sustainability of this development should it be delivered in isolation

### ***The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036)***

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) was examined by an independent examiner earlier this year. The examiner's report recommended that the Neighbourhood Plan could proceed to referendum subject to a number of modifications to the plan. The Council agreed with the examiners recommendations and a referendum is scheduled to take place on the 23<sup>rd</sup> May 2019.

Paragraph 48 of the NPPF (2019) sets out how much weight should be given to relevant policies in emerging plans. Factors to consider include the stage of preparation, the extent to which there are unresolved objectives to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The Neighbourhood Planning Act 2017 also sets out that a local planning authority has to have regard to a 'post-examination', unmade neighbourhood plan as a material consideration in the determination of planning applications.

In view of the above, as the Neighbourhood Plan is post-examination, some weight can be given to relevant policies. The most relevant policy to the proposal is LCM11 (General location of new development). The proposal would be located outside of the settlement boundary as shown in the Neighbourhood Plan policies map and would be contrary to LCM11 (General location of new development). Other site specific related policies would include LCM 6 (Wildlife Corridors) and LCM 19 (Public Rights of Way).

Although the application site is outside of settlement boundaries, it is not for neighbourhood plans to set strategic policies or to allocate strategic sites. As set out in paragraph 13 of the NPPF a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies. The purpose of neighbourhood planning is to address more local needs and issues. The application site is a major residential scheme and forms part of a strategic allocation in the emerging Local Plan. In view of this and given the other material planning considerations outlined above, these factors outweigh any policy concerns in terms of the conflict with the Neighbourhood Plan.

### ***Housing Need***

Concerns have been raised from objectors to the application that there is no need for new housing given the Council's current five year land supply position and local housing need figure. It has also been commented that the housing requirement in the emerging Local Plan is untested at examination and therefore it would be unsafe to grant permission on this information. As outlined above the Council considers that there is clear evidence to justify a higher housing requirement and this is a material planning consideration. If emerging allocations are not supported, once the Local Plan is adopted, there is the danger of not being able to demonstrate a five year supply and not meeting the overall housing needs identified within the evidence base. It is important to note that the local housing need figure is very much a minimum starting point for local authorities and Darlington has delivered substantially above this figure over the last two financial years, supporting the Council's evidence that there is a higher housing need.

The scheme also generally supports the Government's objective of significantly boosting the supply of housing.

***Prematurity of the Planning Application***

A further concern raised was that granting permission for the site would prejudice the Local Plan process, as such the application should be refused on prematurity grounds. A High Court decision for a large housing development in Cornwall was referred to as this scheme was refused as it would have been premature in advance of an emerging Core Strategy (*Wainhomes (south west) Holdings Ltd vs Secretary of State for Communities and Local Government (2012) EWHC 914*).

Paragraph 49 of the NPPF sets out circumstances where applications should be refused on prematurity grounds. Where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to say, where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

There are no concerns in terms of the application undermining the emerging Darlington Local Plan as the site is a proposed allocation. Although the plan is not in the final stages of the plan-making process, the site is considered to be suitable for residential development and a draft plan including the site was subject to a full public consultation during summer 2018. It should also be noted that the High Court decision provided as an example is not directly comparable to this application. The Cornwall emerging Core Strategy was at very early stages of preparation and at the time of the planning inquiry consultation had not yet been undertaken on housing requirement, locational strategy or strategic site options. Consequently, there were grounds for refusal as granting permission would undermine the process; reduce choices in terms of site selection and would deny the community the opportunity of determining its preferred choice of housing sites.

It has been emphasised that the proposal is contrary to the development plan and therefore the decision maker's initial stance must be adverse to the grant of planning permission. This is acknowledged and is recognised in paragraph 12 of the NPPF which states that the development plan is the starting point for decision making. However, the paragraph goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is a case where the application under consideration is contrary to policies of the existing development plan, however there are other material considerations, which have been

outlined above, which outweigh this conflict and indicate that the plan should not be followed.

In summary, despite the conflict with policy E2, CS1 and H7, when considered in the context of the emerging Local Plan and five year supply, the principle of residential development on this site is considered to be acceptable.

### **Impact upon the Mineral Safeguarding Area**

The site is within a minerals safeguarding area in the Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document. Policy MWC4 of the Strategy specifies that non-mineral development will only be permitted if:

1. The development would not sterilise or prejudice the future extraction of the mineral
2. resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way so there is evidence that the resource has been sufficiently depleted by previous extraction; or
3. The mineral will be extracted prior to the development and this will not significantly
4. adversely affect the timing and viability of the non-minerals development; or
5. The need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource

The applicant has sought advice from ID Geo-Environmental who have undertaken intrusive site investigations on the site and have provided the following comments:

*“Boreholes adjacent to the site indicate limestone at a depth of approximately 40.0m, extending to a maximum depth of 84.0m bgl. Given the location of the site, adjacent to housing and a main highway into Darlington town centre, it is extremely unlikely that it would gain planning permission for deep quarrying. Significant land would be required for the temporary storage of the stripped overburden and a large number of heavy vehicle journeys over many years would be required to make the quarrying operation viable, if it ever could be.”*

Therefore, extracting the limestone prior to the development taking place, this would not be appropriate given the depth of the deposits and the location of the site immediately adjacent to the main urban area of Darlington. Quarrying in this location would have considerable amenity implications on local residents. Moreover, the removal of deposits at this depth would then render the site unsuitable for residential development.

Furthermore, the need to provide sustainable deliverable housing sites has to be considered against the limited potential of the site to be used for mineral extraction and it is not considered that the site should be safeguarded from development of the type being proposed and impacts would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough.

### **Impact on non-designated Heritage Assets (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 Heritage Assessment submitted in support of the application included a desk based archaeological assessment of the site, as well as the results of a geophysical survey of the site, which identified a number of possible and probable features of archaeological origin. The geophysical survey report identified a number of potential archaeological features but the exact nature, extent and survival of the remains was unclear. This meant it was not possible to accurately assess the significance of the features.

Archaeological Services (WYAS) conducted a further archaeological evaluation on the application site. In terms of its objectives, the archaeological evaluation was generally successful. The site comprised individual fields which were assigned an Area number (1-5). Areas 1-3 were situated on gentle south-facing slopes. Area 4 was flat. Area 5 was a narrow strip of land between Area 4 and the Baydale Beck and was used as pasture. The remaining areas of land (Areas 1-4) had been ploughed flat and the land use was arable, with the ground surfaces at the time of the evaluation comprising stubble or harrowed ground.

In Areas 1 and 2, the results confirmed the interpretation of the geophysical survey and were able to offer some interpretation. In Area 3, the evaluation confirmed the presence of features that were interpreted as WWI fieldworks, probably in the form of practice trenches. In general, the preservation of the features was good, but the number of recovered finds was few. Area 4 contained the remains of truncated ditches and gullies which confirmed the interpretation of the geophysical survey. Most of the features remain undated although some correlate closely with depictions of field boundaries on cartographic sources. Area 5 was covered by a bund of modern made ground which in places exceeded 1.2m.

The Archaeology Team from Durham County Council has advised that the submitted Evaluation confirms that archaeological remains worthy of further investigation were encountered on part of the site, in areas 3 and 4. Accordingly, I have advised that a condition should be placed on any permission granted for mitigation works to be carried out in these areas prior to development and the works needed would be of a strip map and sample type exercise. A further condition has been requested to secure the recording and publication of any findings.

### **Loss of Agricultural Land**

The NPPF states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The MAFF Agricultural Land Classification map indicates that the classification is Grade 3 (Good to Moderate) across the application site. It is acknowledged that the development proposals will result in the loss of agricultural land but there is a significant amount of higher grade agricultural land to the west and also along the River Tees. The loss of agricultural land would not be significant in the context of the land available for agricultural purposes throughout the rest of the Borough. It is also considered that the considerable material benefits, such as the need to deliver housing in sustainable locations that would derive from the development proposals would considerably outweigh the loss of agricultural land on the urban fringe.

### **Design and Layout and Impact on the Character and Appearance of the Area**

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

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

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

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species and which enhances the appearance of the development and its setting.

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

The Darlington Landscape Character Assessment places the site within Character Area 3: *Denton and Walworth Farmland*. With regards to landscape sensitivities along the settlement edges the assessment states:

*"This character area adjoins the western boundary of Darlington. The settlements of High Coniscliffe and Merrybent are located on the A67 to the south, and the villages of*

*Killerby, Summerhouses and Denton are inset within the character area. The A1 motorway provides a strong divide in the landscape between the more rural western part of this character area, and the smaller eastern section which is more influenced by its proximity to the urban area...The tributary Baydale Beck forms the current settlement edge, which is also well provided with open space and mature woodland along the beck, along both sides of the development limit. To the south is the Broken Scar waterworks and local wildlife site. Community woodland has been established in association with recent development at Merrybent Drive. The landscape of this area shows less of the rural tranquillity which is prevalent further west, and it is visually contained. These areas are considered to be of lower overall sensitivity.”*

The wider site is situated on gently sloping and undulating land which falls to the south towards the River Tees and to the east towards the Baydale Beck. The site comprises of several agricultural fields, the vast majority of which are currently under arable use. A rather degraded structure occurs where intensive agricultural use has resulted in narrow field margins. Consequently much the site is lacking in any significant vegetation cover or other internal features of value. Along the field boundaries variable vegetation cover occurs depending on the presence of hedgerows. The majority of hedgerows are low clipped with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However the site itself is not considered to be of high quality nor in good condition.

As stated this planning application is based on a Masterplan for redeveloping a wider site and the planning application has been supported by a Design and Access Statement and a Landscape and Visual Impact Assessment which outlines the evolution of the Masterplan and considers the impact of redeveloping the whole site and the design principles that would then be incorporated into future Reserved Matters submissions.

The planning application is to redevelop the site for residential purposes comprising up to 535 dwellings. Design and Access Statements states that the development will provide for a mix of dwellings and house types, ranging from 2-5 bedroom units. The open space consists of a series of green corridors spanning through the site. These will include informal footpaths and areas of amenity and meadow grassland to provide for recreational activity and to enhance biodiversity. Open space will be provided to the east of the development, providing a strong green buffer and public accessible open space adjacent to Baydale Beck. Strategic open space will be provided within the western part of the site which will include formal sports pitches and playing pitches. Areas of green infrastructure will also include space for habitats and wildlife, with access to nature for residents.

To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition recreational footpath connections are provided through the

green infrastructure with direct connections onto Coniscliffe Road, Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. There is an existing bridge crossing over the Beck from this application site to provide some pedestrian connectivity to the existing urban area.

The layout of streets would provide a safe and well overlooked public realm and the streets would be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

A Landscape and Visual Impact Assessment submitted in support of the application concludes that the site has the potential to accommodate a well-planned residential development without causing significant harm to the wider settlement or local landscape context. The scale and size of the development would be in keeping with the existing residential character at the edge of Darlington.

The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south) and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected and a high quality residential development could be created which minimises detrimental environmental effects.

Officers accept the findings of the Assessment and whilst such matters will be considered as one detail with the submission of Reserved Matters application, the layout of the Masterplan shows that the site can be satisfactorily redeveloped for residential purposes. A planning condition would be imposed to ensure the Reserved Matters submissions are carried out in accordance with the Masterplan.

### **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.

A single priority controlled T junction will be formed onto Coniscliffe Road to serve the application site. The access incorporates a ghost island right turn in order to increase capacity and the existing layby would be retained. Visibility splays have been provided. A spine road to create a north south link between the A67 Coniscliffe Road and B6279 Staindrop Road forming a partial bypass of Darlington and providing an alternative route to the B6280 (Carmel Road North) to the east of the site.

In order to mitigate the highway impacts of this site and the site to the north (ref no: 17/00636/OUTE) there are off site highway works being proposed.

### *Cockerton Improvements*

A scheme was developed in order to mitigate future development traffic and it is assumed that these committed improvements would be implemented by 2030/2032. This scheme involves replacing the existing mini roundabouts with standard



roundabouts and some entry lane widening. Following discussions with the Council, a scheme has been agreed to develop the committed improvement scheme with additional widening.

### *Blands Corner Mitigation*

This proposed scheme comprises several elements:

- Widening of the exit from the roundabout onto the A66 (east) to provide two lanes on the immediate exit for a distance of 200m followed by a length of merge taper with ghost island hatching to the offside and a further length of merge taper to the existing single carriageway. This includes increasing the size of the pedestrian splitter island on this arm to minimise the crossing distance on this exit from the roundabout
- Widening of A67 Carmel Road South on its eastern side to provide a longer length of two lane entry at the roundabout and;
- Amendments to the road markings and signing on the approach to the roundabout on the A66 (westbound) to provide additional entry capacity

### ***Sustainable Transport Matters***

The closest bus stop to the site is on Coniscliffe Road. The X75 is a half hourly service and two hourly on a Sunday – there is no evening service throughout the week. 80% or more of the application site is approx. 700m from these stops and is therefore outside of the Council's acceptable walking distance. The whole site is therefore not accessible by bus and a new bus service would need to be pump primed in order for 80% or more of the site to be within an acceptable walking distance to a bus stop. This pump primed service should be half hourly as a minimum and provided for at least 5 years with an appropriate trigger to give this service the best opportunity to become commercial. A bus subsidy would be secured by a planning obligation within a Section 106 Agreement along with the trigger points for payments.

From the site access a footpath to link to the east along Coniscliffe Road will be provided. This section of footpath should be lit in order to provide a safe route to school.

Within the Design and Access Statement, the main avenue is proposed to include a 3m shared footway/cycleway along one side which is welcomed and links should be made from this shared space to other routes throughout the site. Permeability of the site is key and links to existing foot and cycle paths alongside the west of Baydale Beck along with pedestrian links across Baydale Beck (there is an existing bridge which would be retained). This again is welcomed and potential to make links into the existing estates should be made.

As the main avenue meets Coniscliffe Road the 3m shared footway/cycleway along one side will come to an end. It would be beneficial to continue this shared path west along Coniscliffe Road, near the layby to meet the existing bridleway forming somewhat of a circular route for cyclists (this would also benefit bus users using Gate Lane Inbound as the footway would be improved). Repeating this to the East and continuing this shared use path from the site along Coniscliffe Road to meet the other existing footpath/cycleway near the 'works' would provide another circular route. An extension to

the cycle lanes on Coniscliffe Road to this point would provide good cycle connectivity from the site.

A sustainable transport contribution will be sought via the Section 106 Agreement for a contribution towards a bus subsidy, an on road cycle route on Coniscliffe Road, Travel Plan Measures and Personalised Travel Planning (PTP) programme

### ***Impact on the Local Highway Network***

A Transport Assessment has been provided in support of this application to assess the cumulative impact of both this site and the site to the north (planning application reference number 17/00636/OUTE).

The Transport Assessment presents expected vehicular trip rates based on TRICS analysis. The TRICS rates used are of the correct order of magnitude for the size and location of development and this would show that around 1000 two way trips in total from both developments are generated in the AM and PM peak periods for the housing element distributed around the wider highway network. Due to the scale of the development, an area wide microsimulation model was requested to assess the impact of the two developments.

A Transport Assessment Addendum has also been produced to summarise the further modelling work that have been carried out to date as part of the background information for the planning application.

A validated Aimsun model was developed to cover the north-western quadrant of the town, with its extents stretching from the A1 (M) to the west, the inner ring road to the east and Blands Corner to the south. The Aimsun model covers the AM peak (07:45-08:45) and PM peak (17:00-1800) periods and this has been validated by traffic surveys (manual classified counts), ATC counts, journey time surveys and queue observations. Timings for the traffic signal junctions were provided by the Council to incorporate in the model as well as bus service data.

National Guidance (DMRB) dictates that traffic models should be satisfactorily calibrated and validated and that modelled journey times should be within 15% (or 1 minute if higher) as compared to the observed journey times for 85% of the routes or higher. It has been demonstrated that the base 2016 Aimsun model meets the DMRB criteria.

Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Tempo growth (base year traffic growth with Tempo over the network plus committed development including west park and Faverdale business park). The results of the modelling show that mitigation schemes at Cockerton Roundabouts and Blands Corner on the A66 are required on the wider highway network to equal or better the journey times when reviewed against the base scenario in 2032. The modelling work has been independently verified by a consultant employed by the Council to not only review this application, but to review the wider local plan scenarios and has also been agreed with Highways England with reference to works on their network.

The development will be subject to a Section 106 agreement, which will include a financial contribution to the above off-site mitigation works which will be paid on trigger points based on development build out rates. The link road from Staindrop Road to Coniscliffe Road will be required to be built out based on an agreed trigger point of the occupation of 300 dwellings this and the site to the north (ref no 17/00636/OUTE)

A central spine road running North South through the development and through the proposed site located to the North is a key feature of the development strategy. An access proposal for the junction on Coniscliffe Road serving this application (535 dwellings) has been submitted in the form of a ghost island junction. This has been shown to operate within capacity limits for the generated traffic from the development. The access will also incorporate a revised layby on the A67 as the location of the proposed access junction would compromise the existing arrangement. Visibility splays are appropriate to the speed of the adjoining carriageway and cycle/pedestrian facilities will be provided to link the development into surrounding infrastructure.

This central development spine road will form an arterial link between Staindrop Road and Coniscliffe Road and will need to be of suitable design to enable buses and other large vehicles to pass through. A minimum 6.7m carriageway with a 4.0m shared cycleway footway would need to be provided to one side, with an additional 2.0m footway separated from the carriageway by a 2.0m verge located on the opposite side. Bus stops would need to be in the form of half width laybys located at suitable intervals and locations as advised in conjunction with the Council. Careful consideration will need to be given to the type of dwelling and access arrangements along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network being 20mph.

The road width of other internal highways will be dependent on the numbers of dwellings served; with a 5.5m wide carriageway being suitable for up to 300 dwellings, 300 – 500 dwellings will require an a 6.7m carriageway as will any road that forms part of a bus route. Private shared drives should not be longer than 25m, or alternatively with a bin store located within this distance from the highway boundary, serve no more than 5 dwellings and be of sufficient width to allow access by emergency services.

The internal access roads should be built to adoptable standards of construction, geometry and visibility, and have suitable pedestrian and cycle links to the surrounding infrastructure. Footways should be provided alongside all roads which are developed and be a minimum of 2.0m wide; note all footway and carriageway widths specified are measured between restraints.

Swept path analysis would need to be carried out to demonstrate the internal network will operate satisfactorily for the expected vehicles entering the housing estate including emergency services and refuse vehicles which are now 11.2m long and for all vehicles on the new strategic links including buses and large goods vehicles.

In curtilage parking numbers across the site will need to accord with the latest Tees Valley Design Guidance and in order for garages to count as a parking space they must

be a minimum of 3m x 6m internal dimensions and this is also applied to the dimensions of in-curtilage parking spaces.

A suitable street lighting design will be required to be submitted for approval and agreement should be sought from the Council.

The above specific details of the internal layout of the development have not been provided at this stage as this is an outline application. However, the details can be secured for each phase of the development via the imposition of planning conditions.

The Council's Highways Engineer has advised that, subject to the mitigations measures and the appropriate planning conditions, the proposed development is acceptable in highway terms.

### ***Impact on the Strategic Road Network***

An improvement scheme to mitigate the increased traffic impact at the A66/A67/A167 Blands Corner Roundabout is required and following an assessment and a Stage One Road Safety Audit, an agreed design for the upgrade has been approved by Highways England. From the impact of both developments Highways England require that mitigation at Blands Corner is necessary after occupation of 300 dwellings, and to apportion this requirement between the two developments they require that the agreed improvements are operational before 195 dwellings of this development are occupied.

Highways England have raised no objections to the planning application and they have withdrawn their holding objection

### ***Planning Obligations***

A Section 106 contribution towards mitigation at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout would need to be secured by a Section 106 Agreement

### ***Residential Amenity***

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF (2019) which seeks to create places with a high standard of amenity for existing and future users (para 127).

The proximity distances that must be met between existing and proposed dwellings and between the new dwellings within the new development are contained within the Council's adopted Supplementary Planning Document - Design for New Development.

There are no dwellings within the immediate proximity of the application site and the spatial relationships between new dwellings within the site will be considered in detail at future Reserved Matters stage.

A planning condition has been imposed to secure the submission of a Construction Management Plan for each phase of the development

The impact of external noise sources upon the future occupants of the development is considered elsewhere in this report, along with air quality.

### **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.

A detailed Flood Risk Assessment and outline drainage management plan has been undertaken with respect to the proposed development which considers the setting of the development and likely impact on surrounding areas. A surface water and foul water drainage strategy has been outlined in the report.

The developable areas of the site are located within Flood Zone 1 and have a low risk of fluvial flooding. Flood Zones 2 and 3 are located to the east of the site along the route of the Baydale Beck. Exiting overland flood flow routes through the development will be maintained within green corridors thus the development is considered to have a low risk of pluvial flooding. There are no other significant sources of flood risk to the development.

The surface and foul water would be disposed of via a mix of the existing infrastructure, SUDs basins and watercourses.

The development sites will require new drainage systems designed to suit the final approved layouts, and in compliance with current Building Regulations and Sewers for Adoption. It is anticipated that the pipe drainage networks will be adopted by Northumbrian Water under a section 104 agreement whilst any SuDS components will be maintained and managed by a private management company.

Northumbrian Water assess the impact of the proposed development on their assets and assess the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has no objections to the proposed development subject to the scheme being carried out in accordance with the submitted Flood Risk Assessment

The Lead Local Flood Authority and the Environment Agency both have no objections to the principle of redeveloping the site for residential purposes but they have requested the imposition of planning conditions.

### **Air Quality**

The Environmental Statement expands upon the original Air Quality Assessment (Revision 3) dated 18 May 2017 submitted with the planning application.

The assessment looks at the impacts on local air quality as a result of the construction phase associated with the proposed development as well as the impact on air quality in the operational phase of the development as a result of road traffic, considering both existing and proposed sensitive receptors.

The Statement has been considered by the Council's Environmental Health Officer.

The Institute of Air Quality Management (IAQM) 'Guidance on the assessment of Dust from Demolition and Construction' (February 2014) was used to assess the construction phase of the proposed development. The report concludes that while the dust emission magnitude is likely to fall into the large category for earthworks, construction works and trackout (given the scale of the development), overall the development is considered to pose a low/medium risk for dust soiling and human health effects. That said it is proposed to adopt appropriate best practice dust control measures and it is considered that any residual impacts from the construction phase will not be significant.

In relation to the operational phase of the development the assessment has considered the changes in air quality given a number of scenarios which included a 2017 baseline year (Scenario 1), 2032 without development in place (Scenario 2), 2032 with development (Scenario 3) and 2032 with the proposed development and cumulative development in place (Scenario 4, which includes adjacent development to the north).

Overall the assessment has concluded that the proposed development is expected to have a minimal impact on pollution concentrations at nearby existing receptors which is predicted to be of negligible significance in accordance with the relevant guidance.

Furthermore, pollution concentrations at proposed receptors are expected to be below the relevant air quality objectives. Taking into account these comments, the Council's Environmental Health Officer considers the proposed development has been determined to be acceptable in terms of its impact on, and sensitivity to, local air quality and appropriate planning conditions can be imposed to control construction impacts.

## **Noise**

The submitted Environmental Statement expands upon the original noise impact assessment and noise statement submitted with the original application.

Daytime and night time noise measurements were taken at 3 locations (on the western, eastern and southern site boundaries) in order to establish typical ambient and background noise levels externally at the site. The site is bound by a proposed housing development site for up to 985 No. dwellings to the north (17/00636/OUT), Broken Scar Treatment Works to the east with existing housing on the Mowden Estate beyond, Coniscliffe Road (A67) and the Baydale Beck Public House to the south, and residential properties to the west, beyond which lies the A1 (M).

The assessment considers three example dwellings (in the locations where monitoring was undertaken) which were considered to be the most exposed to noise in each area of the site (in aiming to represent a 'worst case scenario') and calculates the likely noise levels that will be experienced at the proposed dwellings in these areas. The noise environment at the site is characterised as being predominantly noise from road traffic on the nearby road network particularly from the A1 (M) to the west.

As well as existing noise levels being measured at locations on the site, impacts on noise levels due to an increase in road traffic associated with the proposed developments (this application and the one to the north), as well as committed developments has also been considered/predicted.

The report concludes that for proposed dwellings and associated gardens closest to road traffic noise sources mitigation will be required to ensure suitable noise levels in accordance with the guidance (BS8233:2014 and World Health Organisation Guidelines for Community Noise 1999) are achieved. Potential mitigation is suggested which includes the installation of an acoustic barrier to the north western corner of the site (along with careful consideration of site layout) and certain glazing and ventilation specifications.

The results of the traffic assessment have been used as the basis for determining the change in road traffic noise levels resulting from development generated traffic. Considering the cumulative impact of the proposed development with the adjacent development immediately to the north (worst case), the vast majority of changes on the considered road links are very low. The only link identified as medium impact is link 2 – a section of the B6279. However, the proposed development provides no contribution to this change. Based on this and the sensitivity of the receptors, it is considered that there will be, at worst, a permanent minor adverse effect as a result of development generated road traffic.

In relation to noise from Coniscliffe Grange Farm impacting the site this has not been included in the assessment. Having looked at the noise assessment which accompanied the planning application for the land to the north of this site the Council's Environmental Health Officer is generally satisfied that noise from Coniscliffe Grange Farm is not likely to have an adverse impact on this site given the distance away.

In relation to noise from the Baydale Beck Public House which does have the potential to impact the site particularly any dwellings situated in the most southern part of the development area this has been considered in the information submitted. The assessment concludes that with windows closed with a certain standard of glazing and ventilation specification suitable internal noise levels will be achieved.

Noise and vibration associated with the construction of the development has been considered. It is considered that the effect of construction noise will be moderate adverse at worst for existing and proposed sensitive receptors, with the potential for a major adverse effect over a short term period (based on BS5228:2009). It is detailed that a Construction Environmental Management Plan will be implemented to ensure best practicable measures are put in place with regard to each phase of the proposals in looking to minimise any noise and vibration impacts associated with these works.

The proposed off site highway measures were tested in a model with results showing an increase in capacity at the junctions yet a reduction in delay. The noise assessment has taken into account the traffic flows/data with the mitigation measures in place and considers proposed and existing sensitive receptor locations and the impacts. Since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) this will likely have positive impacts in relation to noise.

Further details on all of the specific mitigation requirements for each phase of the development will need to be considered as part of future Reserved Matters submissions.

Generally the Council's Environmental Health Officer is satisfied with the conclusions of the assessment and considers that with mitigation, the site is suitable for residential development. While further noise assessment work will be required for each phase of development, there are no objections to the principle of the development and the Environmental Health Officer has recommended planning conditions are attached to any planning permission to maintain an element of control over certain aspects of the development in relation to noise.

### **Land Contamination**

A Preliminary Geoenvironmental Appraisal report has been submitted with the application prepared by ID Geoenvironmental Limited (IDG) dated April 2016 (Report No. 4136-G-R001) which looks to assess any geoenvironmental issues and implications for the current and proposed use of the site for development into residential. The scope of the works so far has included a site walkover and inspection, an assessment of the environmental setting and land use history of the site and adjacent area, identification of potential receptors and derivation of a site conceptual model, as well as an assessment of the anticipated foundation and engineering issues associated with redevelopment of the site for a residential end-use, as well as the provision of recommendations for any appropriate ground investigation works.

Council records indicate that the development site has not been identified as potentially contaminated land under Part 2A of the Environmental Protection Act 1990 and in accordance with DEFRA Statutory Guidance (2012) and the Council's Contaminated Sites Inspection Programme (2013). The proposed housing development site does however lie immediately adjacent to Site\_01742 Merrybent Wood associated with the former Merrybent Nurseries and Site\_00917 Broken Scar Treatment Works.

The report outlines that based on historical maps the development site has mainly been used as agricultural land which is unlikely to have caused ground contamination. However a raised area of made ground has been identified in the south eastern field which is considered to potentially comprise material excavated during the widening of the Baydale Beck (derived from historical maps). The sewage treatment works adjacent to the eastern site boundary, although considered within the report unlikely to be significant, is also a potential source of ground contamination and it is highlighted that any historical buried waste at the site could present a risk of hazardous gas. In addition, contamination was recorded during investigation of the site to the west of the subject site. While this was remediated under planning, the extent of the original contamination and its possible effects on the subject site is not known at this stage. Alluvial deposits adjacent to the eastern site boundary are also considered a potential source of methane and carbon dioxide ground gas.

While the exact site layout for the site is unknown at this stage the report acknowledges it is understood that consideration is being given to development of the site with two



storey domestic dwellings, associated gardens, public open space areas, and adoptable roads and sewers. Receptors mentioned within the report are therefore considered to be residents of the new proposed dwellings, any visitors using areas of potential public open space and residents in neighbouring dwellings, as well as future utility maintenance workers who could be affected by contaminants that remain in the ground following development of the site. It is recognised that transient risks to construction workers are likely to be addressed through the adoption of health and safety measures and similarly any risk to residents in neighbouring dwellings due to airborne dust or vapours during redevelopment works should be addressed by the adoption of suitable mitigation measures.

In relation to controlled waters the report acknowledges the nearest surface watercourse is the Baydale Beck, which flows in a southerly direction, approximately 2 metres beyond the site's southern and eastern boundaries. There is also an unnamed tertiary river that flows eastwards across the site centre into Baydale Beck on the site's eastern boundary, as well as a small pond offsite adjacent to the centre northern site boundary.

In terms of groundwater the glacial till drift deposits beneath the north of the site are classified as a Secondary Aquifer (Undifferentiated Layers) and the Glaciofluvial Terrace deposits (sand and gravel) beneath the south of the site are classified as a Secondary A Aquifer. The underlying Dolostone (Ford formation) is classified as a Principal Aquifer. The report outlines that the site is located within a Source Protection Zone 2 (outer catchment) and two Source Protection Zone 1 (inner catchments) are located 15 metres to the south and 29 metres to the east of site.

The current use of the site is considered unlikely to have given rise to significant ground and groundwater contamination; however, localised contamination is possible in the southeast of the site due to the raised land (made ground) and the adjacent sewage treatment works. Localised contamination is also possible in the southwest of the site adjacent to the previously remediated land. The report concludes that whilst the site is considered suitable for its proposed use, further intrusive investigation will be required given the proposed change in use.

Appropriate planning conditions relating to contaminated land have been recommended.

### **Impact on the Setting of Heritage Assets**

Paragraph 192 of the National Planning Policy Framework 2019 (the NPPF) states that in determining planning applications local planning authority should take account of, amongst other matters, the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF (para 197) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect 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.

NPPF (para 200) continues that 'local planning authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Policy CS14 of the Core Strategy 2011 is also promotes the need to protect, enhance and promote the character and local distinctiveness of the Borough, including listed buildings and their setting.

Historic England has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

Schedule 4 of the EIA Regulations identifies a number of aspects of the environment that should be considered, namely human health, biodiversity, soil, water, air, climate change, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

The risk to cultural heritage and the environment is considered in the Environment Assessment.

A Heritage Assessment has been undertaken which included a search of pertinent documentary and cartographic records, records of archaeological interventions and the Historic Environment Record. In terms of above ground heritage assets, located approximately 450m south east of the site is Coniscliffe Road Waterworks which is designated as a Scheduled Monument. It is screened from the proposed development area by other buildings and trees, and so are not intervisible with the site.

The results of a heritage assessment conducted in advance of a proposed development included a search of pertinent documentary and cartographic records, records of archaeological interventions and the Historic Environment Record.

There are seven Grade II listed buildings and one Grade II\* listed building within 1km of the site. These assets are considered to be of medium to high significance due to their listing status. In each case, because of a lack of intervisibility with the proposed development area, their setting will be maintained.

It is possible that a medieval leper hospital was located in the vicinity of the Baydale Beck Inn, immediately to the south of the proposed development area. There is no suggestion of any evidence for this within the geophysical survey data.

The proposed development area lies to the north-east of the medieval village of Low Coniscliffe and to the west of the market town of Darlington. It is probable that the site was used as agricultural land from at least the medieval period through to modern day. Recorded within the north-eastern part of the site are a series of linear features which may be indicative of medieval ridge and furrow.

The geophysical survey identified a series of crenulated features within the north-eastern part of the site. The precise form of these is not known at this stage but they could be World War I practice trenches.

Off site highway mitigation works to the Cockerton and Woodland Road/Carmel Road North roundabouts are located within the West End and Cockerton Conservation Areas. These are works within the public highway. They would not harm the significance of any heritage assets in the locality.

The purpose of a Statement is to make sure that decision-makers consider the environmental impacts, including impacts on the historic environment, when deciding whether or not to proceed with a project. The Council's Historic Asset Officer considers that the Environmental Statement has not identified any heritage impacts which need to be taken into account in this decision making process.

### **Impact on Existing Trees and Proposed Landscaping**

Policy E12 (Trees and Development) of the Local Plan seeks to ensure that new development takes full account of trees and hedgerows on and adjacent to the development site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and to provide their successful retention and protection during development.

No trees on the site or adjacent to the site are covered by Tree Preservation Orders or are within a Conservation Area.

A total of 116 trees and tree groups were identified and assessed as part of a Tree Survey that has been submitted in support of the application. Twelve of the surveyed trees are considered to be poor specimens and should be removed with the remaining trees being Category B and C trees.

A total of 13 hedgerows have been identified and assessed as part of the hedgerow survey. None were found to support an adequate number of woody species along a 30 m length to be given further consideration as an 'Important Hedgerow' as per the Hedgerow Regulations (1997)

The Survey states that it would be possible to retain existing trees and hedgerows within a proposed layout of the site although some removals will be required to create the access of Coniscliffe Road. The Survey recommends that protective fencing is used to protect any trees retained as part of the development which would be secured by a planning condition as would the need to include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan with any Reserved Matters submissions.

It is envisaged that new tree planting will be located along the main avenue and at the entrance gateways to the development. Elsewhere, use of street trees will establish a distinct character for the development. Within the open space larger growing tree species will be used including a higher proportion of native species. A landscaping scheme would be submitted as a future Reserved Matters submission.

As part of the proposed highway mitigation works on the A66 Blands Corner a single Lime tree would need to be removed to allow for the widening of Carmel Road South. Works to widen the carriageway would incur within the root protection areas (RPAs) of further trees along Carmel Road South but the extent by which the road would be widened would not be considered significant and highly unlikely to affect the stability of the trees.

The proposals would not require any trees to be removed from along the A66 but it would require the trimming back of existing trees to allow for the proposed works within the existing grassed verge. Should Highways England require a grass verge to be installed a single row of trees may need to be removed but this would not be significant from an arboricultural perspective nor reduce the landscape and screening value of the wider tree group.

There is also an opportunity to remove a Lime tree on the A66 which is considered unsuitable for retention.

### **Impact on Footpaths and Public Rights of Way**

Bridleway No. 4 in the Parish of Low Coniscliffe runs north south through the site and Footpath No. 8 In The Parish of Low Coniscliffe runs east west from the Baydale Beck across the site to connect to the Bridleway. The linkages from these PROWs will be important along with their retention and the look and feel of this PROW within the site.

The Design and Access Statement states 'as tree planting establishes within the green infrastructure it will soften and filter the views of the proposed built development'. As an existing Bridleway it is important to also think about how horse riders/cyclists would flow through the site on this path. The use of wide green corridors would be more suitable than a restricted narrow path. These would be matters that would be given consideration at future Reserved Matters stage.

The Landscape and Visual Impact Assessment submitted in support of the application concludes that features along the routes such as hedgerows, trees, ditches and watercourse would largely be retained and whilst the proposed residential development within the site would change the nature of views and result in a loss of open setting the initial effects on Rights of Way within the site range from Moderate/Major or moderate adverse, reducing to Moderate or Minor adverse as tree and shrub planting within the open space and greenway corridors establish.

A partial view of the proposed development would occur from a short section of Teesdale Way to the south of the site. Views of built development would be filtered by existing hedgerow and trees along Coniscliffe Road. The existing vegetation would be supplemented by additional tree planting within a landscape buffer proposed adjacent to Coniscliffe Road. Initial Minor adverse effects would reduce to negligible overtime.

A planning obligation to secure improvements to Public Rights of Way and their future maintenance would form part of the Section 106 Agreement.

### **Ecology**

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core

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

An Extended Phase 1 Survey has been submitted in support of the planning application. The results of the Survey indicate that there are no statutory designated sites within a 2 km radius of the site. A total of four non-statutory Local Wildlife Sites (LWS) have been identified within 2 km of the site, the closest being Broken Scar LWS situated beyond Baydale Beck to the east of the site. The Survey advises that it is unlikely that the proposed development will impact land beyond the site boundary. Furthermore, as the Baydale Beck and the surrounding woodland along the eastern site boundary are to be retained following the development they will provide a buffer zone between the site and the designated LWS site.

The Survey reveals that the site does not support any standing waterbodies, however, a single pond has been found immediately to the north of the site with connectivity to it, which despite being in a poor condition such that it would be normally considered unlikely to support great crested newts GCNS, the ecological consultants working on behalf of the developer of the land to the north of the site, found a small population of breeding GCNs to be present. Therefore, an appropriate mitigation will need to be prepared that covers areas of both on- and off-site habitats to support a licence application to Natural England.

The hedgerows and trees at the site would provide suitable habitat for nesting birds, as well as the arable land providing opportunities for ground nesting species, such as skylark which were recorded during the survey. As a result, appropriate mitigation will need to be put in place to ensure that vegetation clearance works do not harm nesting birds.

The site did not feature any evidence to indicate that badgers were using or inhabiting it, however, the site and the surrounding landscape provide opportunities for this species and for brown hare. There is, therefore, the potential for these species to venture onto the site during the proposed construction works.

Baydale Beck is considered suitable to support otter and water vole, which have both been recorded within the watercourse in previous years. There is, therefore, the potential for otter to be present along the banks of the beck and within associated on-site habitats including the stream that bisects the centre of the site, and for water vole to be present within the beck immediately adjacent to the Site boundary and to venture into the on-site stream.

The data search identified historic records of white-clawed crayfish within Baydale Beck to the east of the site. Baydale Beck is still considered suitable to support this species if they do occur within the local area. If they are present within the Beck, there is the potential for white-clawed crayfish to occur in the on-site stream.

There was no evidence of other protected species, or habitats that could support them, on the Site.

The Survey concludes by making a list of recommendations relating to matters such as nesting birds, great crested newts, bats, badgers and brown hares, otters and water vole, pollution, landscaping enhancements, bat and bird boxes. These measures would be secured by a planning condition.

When considering the impact of the impact of the proposed development upon the adjacent Community Woodland, a Habitat Assessment concludes that as there is already extensive disturbance by regular dog walkers it is not anticipated that a significant amount of additional damage or disruption to wildlife would be generated by the development. However, a number of bird species utilise the site and maintaining connectivity with other suitable habitat is imperative so green corridors should be incorporated into the layout design for the site, and boundary trees at the development site retained where possible. The bridleway should also be maintained as a buffer between the site and the boundary hedgerows and trees to encourage the variety of bird species currently present to continue using the woodland. Future management of the woodland should also be considered to allow the slower growing species, such as oak, to survive and not be shaded out by silver birch and willow that mature more quickly.

A Bird Breeding Survey concludes that the proposed retention of field boundary hedgerows, where possible, and the planting of further hedgerows and trees as shown within the landscaping plans for the site, will help the site become more favourable to some bird species once habitats have matured. The loss of open arable field habitats will lead to non-significant minor adverse impacts upon those typical farmland bird species that were recorded infrequently during the survey visits. Through the addition of grassland and woodland habitat to the north-east and within the central area of the site, and the inclusion of species-rich grassland, within the landscaping proposals, the site has the potential to support an increased number of breeding bird species of conservation concern. These are matters that would be considered in more detail at Reserved Matters stage for layout and landscaping.

A Bat Transact Survey recorded mainly common pipistrelle, in addition to soprano pipistrelle, noctule and *Myotis* spp., noctule and Daubenton's bats around the site. The timing of the bats detected suggests a potential bat roost within close proximity of the positioned detectors. The dusk and dawn bat transect survey recorded two species of bat within the site boundary. These were common pipistrelle and soprano pipistrelle, although former accounted for the majority of recorded passes in both the northern and southern field. Foraging activity was most frequently recorded in the northern field, with only commuting activity recorded in the southern field. No roost emergences/ re-entries or roosting behaviour was recorded during the surveys. The survey results, therefore, suggest bats are entering the site from beyond the boundary. Furthermore, it is anticipated that there is an off-site roost within proximity to the eastern extent of the Site. The Bat Survey makes a list of recommendations that would be secured by a planning condition.

A Wintering Bird Report concludes that overall the wintering bird's assemblage recorded during the survey is considered to be of 'site' value due to its relatively low diversity and number of birds recorded, and the fact that the site is likely to be used in combination with other surrounding similar habitats. Furthermore, emphasis is on those species of birds associated with hedgerows and open arable fields rather than those of improved grassland. Disturbance caused by dog walkers and runners both on-site, and immediately adjacent to the site, was considered a major factor in the low numbers of birds recorded during the survey. The Report recommends the retention of boundary hedgerows and the planting of further berry bearing hedgerows, shrubs and trees as proposed within the indicative Masterplan would ensure that the site becomes more favourable to a number of bird species once habitats mature. The loss of open arable field habitats will lead to a non-significant minor adverse impact upon bird species traditionally associated with agricultural habitats that were not recorded at the time of the survey, but are present in the wider area.

A Water Vole Survey of the Baydale Beck recorded one latrine on a piece of floating polystyrene located near to the outflow of the Water Treatment Works (WTW), which is situated off-site to the east of the Beck. Due to the lack of any other water vole features recorded, it is considered likely that the latrine floated downstream from more suitable water vole habitat upstream, from an off-site stretch of Baydale Beck. Overall the on-site habitats were considered suboptimal for water vole due to heavy overshading from the woodland along a large proportion of the length surveyed, sections of reinforced or rocky banks, a lack of aquatic and bankside vegetation, and sections of the Beck being fast flowing.

No signs of water vole were recorded along the field drain that bisects the centre of the site east-west. This waterbody was considered unsuitable to support water vole as it was shallow, with shallow banks that had been heavily poached by cattle. At the time of the survey, a check was also undertaken for any signs of otter, or suitable habitat for this species. No evidence of otter was found nor were any suitable locations for a holt or resting place for this species on-Site, such as tree roots or a dense patch of scrub, recorded. Furthermore, there is regular anthropogenic disturbance at the site as a result of dog walkers.

The Survey makes no recommendations in regard to water vole unless works are undertaken to improve the habitat suitability of the Beck prior to any construction works commencing. However, it is appropriate to impose a condition to secure the recommendation should such circumstances arrive.

The Council's Senior Ecology and Landscape Officer has recommended that the as well as securing the recommendations listed in the supporting Reports, further ecological enhancements should be considered when finalising the layouts of the application. As a result, it is considered appropriate to impose an overarching planning condition that requests the submission of an Ecological Masterplan for each phase of development.

When considering the planning application, the Environment Agency has requested the imposition of ecology related planning conditions.

### **Affordable Housing**

Under the provisions of CS4 of the Core Strategy and the Planning Obligations Supplementary Planning Document (SPD), 20% of the overall development should include affordable units. A planning condition has been imposed to seek to secure the number of units in accordance with Council policy.

### **Sport Provision**

The occupiers of the new development will generate demand for sport provision and facilities and if this demand is not met then it may place additional pressure on existing sports facilities creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the new development meets any new sports facility needs arising as a result of the development.

The application to develop land to the south of Staindrop Road (ref no: 17/00636/OUTE) includes two playing fields. One would be associated with the proposed school and one would be freestanding community facility. It would be the intention to have the field associated with the school constructed and managed so as to allow for community use so they can be counted as community sport provision. These two areas, together, would meet the playing pitch requirements for both sites, as required by the Council's SPD on Planning Obligations. On this basis, Sport England support the proposed development.

The playing fields shall be maintained and managed through a private management company which would be secured by a Section 106 Agreement

### **School Places**

Due to lower birth rate in recent years and the ONS lowering their future birth projections nationally (2018) the latest pupil projections from Tees Valley Combined Authority project more surplus capacity in nearby schools than previously anticipated. The Council's Assets & Place Planning Manager when considering the Masterplan has advised that land is reserved for a 1.83ha site sufficient for a 420 place school and 52 place nursery for a time period of ten years. The requirement of the land to be retained for a school needs to be reviewed at two agreed points during construction. For instance five years after start (2025) and ten years after start (2030) or after 50% or 75% of completions. The land has been set aside on the 16/00636/OUTE development site and the developers for this site would contribute to the developers of the adjacent site for their proportional share off the value of the safeguarded land.

Capacity within a secondary school in the North West of Darlington is over the 5% criteria as stated within the Council's SPD on Planning Obligations and there is no requirements for a Section 106 contribution towards any existing secondary schools or to include a new one within the site.

### **Developer Contributions**

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;



- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Heads of Terms that have been agreed with the applicant are:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

### **Delivery**

One of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. The IPPS states that if an outline application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters.

### **Other Matters**

In 1992 a Hazardous Substance consent was granted by the Council for the storage of 10 tonnes of chlorine at Broken Scar Water Treatment works which are located to the east of the site. Members are advised that since the submission of this application the consent has been revoked by the Council as there is no longer a need for it to be in place as the amount of chlorine stored on the WTW site is now below the threshold for the need for any form of consent from the Council and the Health and Safety Executive.

### **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 law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

Darlington Borough Council can demonstrate a five year supply of housing land and therefore relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

The application site is located beyond the development limits of the main urban area and therefore the proposal would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy (2011). However although the application is contrary to policy E2 there are other material considerations which should be considered in the planning balance in accordance with S.38 (6) of the Planning and Compulsory Purchase Act 2004.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. The Strategic Housing Market Assessment which was published in Oct 2017 indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This work, which should be considered as a material consideration. This housing requirement is significantly higher than the Government's local housing need figure for Darlington and the Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. Whilst the emerging Local Plan can only be afforded limited weight at this stage in its preparation and the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted and the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) can carry some weight and the proposal would be located outside of the settlement boundary as shown in the Neighbourhood Plan policies Map but it is not for neighbourhood plans to set strategic policies or to allocate strategic sites. In view of this and given the other material planning considerations outlined above, these factors outweigh any policy concerns in terms of the conflict with the neighbourhood plan.

Despite the conflict with policy E2 and CS1, when considered in the context of the emerging Local Plan and five year supply, the principle of residential development on this site is considered to be acceptable in general planning policy terms.

An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations.

This outline planning application is based upon a Masterplan that includes this site and land to the north which is the subject of a separate planning application (ref no: 17/00636/OUTE).

The planning applications have been considered both individually but also cumulatively in terms of their location and connectivity with the western edge of the urban area and their impact on matters such as residential amenity, flood risk, ecology, trees, noise, air quality, Public Rights of Way and the local and strategic highway network.

It is considered that with the imposition of appropriate planning conditions and the offsite highway mitigation measures that have been agreed with the Council and Highways England the planning application site and also the adjacent site to the north can be redeveloped for residential purposes (and the associated uses in the 17/00636/OUTE proposal) without causing significant harm to the surrounding area, local residents and the highway networks.

The planning application is being recommended for approval subject to a Section 106 Agreement and planning conditions.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF THE REFERRAL PROCEDURES TO THE SECRETARY OF STATE AND THE COMPLETION OF 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:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

AND THE FOLLOWING PLANNING CONDITIONS:

#### **GENERAL**

1. Details of the appearance, landscaping, layout, and scale of any development within each phase of the development hereby permitted (hereinafter called “the reserved matters”) for each phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.  
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990
2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.

REASON: In the interests of achieving an improved rate of housing delivery in the Borough

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990

#### **APPROVED PLANS**

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing Number M.D.CP - Location Plan
- b) Drawing Number 14011/GA/01 Rev D Site Access Proposals

REASON: For the avoidance of doubt

5. The application(s) made pursuant to condition 1 shall not propose more than 535 dwellings

REASON: For the avoidance of doubt

#### **MASTERPLAN**

6. The detailed matters to be covered in the Reserved Matters, the proposed development shall be carried out in broad accordance with the Indicative Development Framework plan (Drawing Number 7055-SK-01\_N) contained in the application and the plans submitted therewith and approved by the Local Planning Authority or as shall have been otherwise agreed in writing by the Local Planning Authority

REASON: In order to achieve a satisfactory form of development

#### **PHASING PLAN**

7. Notwithstanding the information submitted with the planning application, no development (except for site preparation works and the formation of a site compound) shall take place until a scheme of phasing for the dwellings, highways, and Drainage infrastructure and associated open space/green infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out broadly in accordance with the approved details.

REASON: To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good planning.

#### **MATERIALS**

8. No dwellings hereby approved within each phase of the development 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 in that phase 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 the visual amenity

### **AFFORDABLE HOUSING**

9. Prior to the occupation of any unit within the development as a whole or within each phase, a scheme for the provision of affordable housing shall be 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 – 50% intermediate housing and 50% social housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase 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 showing the location of the affordable housing units;
  - 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; and
  - 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.

Unless otherwise agreed by the Local Planning Authority

REASON: To comply with Council Housing Policy.

### **FLOOD RISK, DRAINAGE AND ECOLOGY**

10. The development hereby approved shall not be carried out otherwise than in broad accordance with the drainage scheme contained within the document entitled “Flood Risk Assessment and Surface Water Management Strategy” Rev D dated October 2017 and produced by ID Civils Designs Limited. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4901 and ensure that surface water discharges to the existing watercourses.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2019.
11. The development hereby approved shall not commence on site until a scheme of “Surface Water Drainage and Management” for the implementation, maintenance and management of the sustainable drainage scheme has 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, including design water levels and finished floor levels demonstrating a suitable freeboard;
- 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
- e) Management Plan for the Surface Water Drainage scheme

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with the guidance within Policy CS16 of the Darlington Core Strategy Development Plan 2011 and the National Planning Policy Framework

12. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved "Flood Risk Assessment and Surface Water Management Strategy" Rev D dated October 2017 and produced by ID Civils Designs Limited and the following mitigation measures detailed in the FRA:

- a) Limiting the surface water runoff generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding offsite. This will be achieved in accordance with the calculations within Section 5 stating a post development discharge limit of 89 l/s

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, writing, by the Local Planning Authority

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

13. 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 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

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved "Flood Risk Assessment and Surface Water Management Strategy" Rev D dated October 2017 and produced by ID Civils Designs Limited and the following mitigation measures outlined in the FRA:

- a. Limiting the developable area outside the flood zone areas and outside of the 8 metre easement of the Main Rivers in the area

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 with 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

15. No development shall take place until a scheme for the provision and management of a 10m wide buffer zone alongside the watercourse and proposed ponds/drainage basins shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and could form a vital part of the green infrastructure provision. The schemes shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) Details of any proposed planting scheme;
- c) Details demonstrating how the buffer zone will be protected during the development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- d) Details of any proposed footpaths, lighting, fencing etc

REASON: Development that encroaches on watercourses and other water features has a potentially severe impact on their ecological value. In particular the increased footfall from the large number of planned new residents and required lighting will impact on the foraging and migration and may increase predation on fish, bats, birds, water vole and great crested newts which have been confirmed as being likely to impacted upon by the development. The condition is supported by the National Planning Policy Framework

16. Prior to the occupation of the first dwelling a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) The detail, extent and type of new planting;
- b) Details of management regimes including how current hedgerows can be gap filled or laid to improve composition and value;
- c) Details of any new habitat created on site including new drainage basins, habitat piles and great crested newt hibernacula;
- d) Details of treatments of site boundaries and/or buffers around water bodies;
- e) Details of management responsibilities

REASON: To ensure the protection of wildlife and supporting habitats and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework

17. Prior to the commencement of the development a plan detailing the protection and/or mitigation of damage to populations of great crested newts, water vole, birds and bats, protected species under The Wildlife and Countryside Act 1981 as amended/Habitats Directive Annex II, and their associated habitat during construction works and once the development is complete has been submitted to and agreed in writing by the Local Planning Authority. Any revisions to operational, including management responsibilities shall be submitted to and agreed in writing by the Local Planning Authority. The protection plan shall be carried out in complete accordance with a timetable for implementation as approved. The scheme shall include the following elements:

- a) Bat roost features should be installed in the woodland and integrated into appropriate buildings in suitable locations following guidance such as the "Designing for Biodiversity: A technical guide for new and existing Buildings" to ensure it will be effective.
- b) New drainage basins should be designed with the dual purpose of providing habitat with an appropriate buffer of 10 metre minimum provided to ensure disturbance is kept to a minimum
- c) Habitat continuity must be maintained across the site through the use of new buffer strip planting in the form of hedgerows, trees or scrub to provide foraging areas and habitat for the species to be shown to be present on the site

REASON: The development is likely to increase disturbance to great crested newts, water voles, bats and birds using the site and disrupt current foraging behaviour as recognised by the submitted Ecological Report. Ensuring appropriate mitigation is implemented and current habitat improved will ensure that habitats are not negatively impacted and the development will have a positive effect on local biodiversity

18. No development shall take place until the construction and management plans of drainage basins are constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the proposed and existing ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework



19. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.  
REASON: In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.
20. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Extended Phase 1 Habitat Survey - Land North of Coniscliffe Road, Darlington For Taylor Wimpey UK Ltd" dated May 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
21. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Bat Transect Survey - Land North of Coniscliffe Road, Darlington For Taylor Wimpey UK Ltd" dated May 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
22. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Water Vole Survey Report - Land North of Coniscliffe Road, Darlington. Presented to Taylor Wimpey North Yorkshire" dated July 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
23. Any Reserved Matters applications for a phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include, but not restricted to, details of ecological enhancements and the integration of the recommendations made in the supporting ecological documents in conjunction with the local planning authority. Each phase of the development thereafter should only be carried out in accordance with the approved details.  
REASON: In the interests of promoting the biodiversity of the site

#### **HIGHWAYS**

24. Prior to the first occupation of the development, a detailed scheme for the off-site highway improvement works at Blands Corner, shown indicatively on drawing 14011/GA/05 rev D, shall be submitted to and approved in writing by the Local Planning Authority and Highways England.

REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

25. Prior to the occupation of the 105th dwelling, the off-site highway improvement works referred to in condition 24 shall be completed in accordance with such details as approved.  
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
26. Prior to the commencement of each phase of the development, precise details of the internal highways layout, the proposed link road within the development including links to the surrounding cycling/pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to achieve a satisfactory form of development in the interests of safety to pedestrians, cyclists and road users
27. No development shall be carried out on each phase of development until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.  
REASON: In the interests of highway safety
28. Prior to the commencement of each phase of the development, 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 achieving a satisfactory form of development
29. No more than 300 dwellings shall be occupied under this permission until the link road has constructed to the boundary of the site and brought into use.  
REASON: In the interests of highway safety
30. A Road Safety Audit for each phase of development 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 interests of highway safety

#### **NOISE**

31. Prior to the commencement of each phase of the development, a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise (from the A1 (M), Coniscliffe Road and the new strategic spine road) and noise from the Baydale Beck public house, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment shall be agreed in

writing with the Local Planning Authority prior to the submission of the assessment.

- a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:
1. Internal noise levels for bedrooms (with windows closed) shall not exceed 30dB LAeq(8 hour)\* and 45dB LAFmax
  2. Internal noise levels for living rooms (with windows closed) shall not exceed 35dB LAeq(16 hour)\*
  3. External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)\* unless otherwise agreed in writing with the Local Planning Authority

\*LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00

- b) The detailed scheme of noise mitigation shall include the following:
1. Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.
  2. The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
  3. A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.
- c) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts from a particular source(s) will arise for the particular phase of the development.

The development of the phases(s) to which the noise impact assessment and scheme of noise mitigation relates shall not be carried out other than in complete accordance with the details so approved and thereafter shall be retained and maintained for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON: In order to achieve a satisfactory form of development in the interests of safeguarding the amenity of the local area and the future occupants of the development

#### **CONSTRUCTION MANAGEMENT PLAN**

32. Prior to the commencement of each phase 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 than in complete accordance with the approved Plan.

REASON: In the interests of amenity and highway safety

#### **AMENITY**

33. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and 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 permission from the Local Planning Authority.

REASON: In the interests of the amenity of the local area

34. For each phase of the development, if piled foundations are proposed, 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 to 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 interests of the amenity of the local area

#### **CONTAMINATED LAND**

35. Prior to the commencement of each phase of the development 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 and assess pollutant linkages. 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. 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.

36. Prior to the commencement of each phase of the development 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. 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.

37. Prior to the commencement of each phase of the development 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 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.

38. 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

39. 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 and 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.

#### **LAYOUT**

40. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site and details of the play equipment that would be provided within the areas. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the character and appearance of the proposed development

41. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development

shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the character and appearance of the proposed development

### **TREES**

42. The details to be submitted in pursuance of Condition 1 shall include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan for the whole development or each phase. The submitted details for the Tree Protection Plan shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

REASON: In the interests of the visual appearance of the site and surrounding area

43. The development hereby approved shall be carried out in accordance with the document entitled "Blands Corner Highway Improvements, Darlington - Arboricultural Assessment" dated January 2019 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority. However, notwithstanding the findings of the document, an Arboricultural Method Statement and a Tree Protection Plan for the proposed highway improvement works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details for the Tree Protection Plan shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

REASON: In the interests of the visual appearance of the site and surrounding area

#### **TRAVEL PLAN**

44. Prior to the occupation of the first dwelling within the development as a whole or in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan
- REASON: In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012.

#### **ARCHAEOLOGY**

45. 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 repositories.
  - 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 archaeological 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 para 197 & 199 of the National Planning Policy Framework because the site is of archaeological interest.



46. 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 National Planning Policy Framework which ensures information gathered becomes publicly accessible.

**SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT THE 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 the impact of the development upon the strategic road network, sustainable transport improvements including a bus subsidy, cycle route enhancements, travel plan measures and for improvements and maintenance of Public Rights of Way and the maintenance of areas of public open space and play areas in order to mitigate the impact of the proposed development and to make the proposal an acceptable form of development.

## **INFORMATIVES HIGHWAYS**

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

The applicant is advised that the implementation of a new 20mph speed limit on the internal site will be required and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

An appropriate street lighting scheme and design to cover the new internal highways and proposed amendments to the existing arrangements 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.

Prior to the commencement of the development 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.

### **LOCAL LEAD FLOOD AUTHORITY**

Further advice to the applicant can be found on the response from the Local Lead Flood Authority dated 22 November 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://www.darlington.gov.uk))

### **ENVIRONMENT AGENCY**

Further general advice to the applicant can be found on the response from the Environment Agency (ref no: NA/2017/113732/01-L01) dated 17 August 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://www.darlington.gov.uk))

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

#### **Saved Borough of Darlington Local Plan 1997**

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

#### **Darlington Core Strategy Development Plan Document 2011**

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)  
CS2 Achieving High Quality, Sustainable Design  
CS3 Promoting Renewable Energy  
CS4 Developer Contributions  
CS10 New Housing Development (parts out of date)  
CS11 Meeting Housing Needs  
CS14 Promoting Local Character and Distinctiveness  
CS15 Protecting and Enhancing Biodiversity and Geodiversity  
CS16 Protecting Environmental Resources, Human Health and Safety  
CS17 Delivering a Multifunctional Green Infrastructure Network  
CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

#### **Tees Valley Minerals Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

#### **National Planning Policy Framework 2019**

#### **Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)**

LCM 1: Landscape  
LCM 2: Tranquillity  
LCM 3: Green Infrastructure  
LCM 5: Biodiversity  
LCM 6: Wildlife Corridors  
LCM 8: Design  
LCM 11: General location of new development (Settlement Boundaries)  
LCM 18: Transport and New Developments  
LCM 19: Public Rights of Way

**Other Documents**

Planning Obligations SPD 2013

Design of New Development SPD 2011

Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft  
(Sept 2018)

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**DARLINGTON BOROUGH COUNCIL****PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 5<sup>th</sup> June 2019**


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<b>APPLICATION REF. NO:</b>	17/00636/OUTE
<b>STATUTORY DECISION DATE:</b>	7 <sup>th</sup> June 2019
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Land South Of Staindrop Road DARLINGTON
<b>DESCRIPTION:</b>	Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class A1), a GP (Class D1), land for proposed primary school and early years school (Use Class D1) and sports pitches with associated parking, public open space, landscaping and sustainable draining system (SUDS) and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access (amended Flood Risk Assessment received 7 September 2017, Minerals Report, Agricultural Land Report and Phasing Plan received 26 September 2017, 2 October 2017, 9 October 2017, Archaeology Report received 23 November 2018; Transport Assessment Addendum and Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019)
<b>APPLICANT:</b>	Gladman Developments

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**APPLICATION AND SITE DESCRIPTION**

The planning application site measures 48.51 hectares and is located on the western edge of Darlington. The site is bounded by the Baydale Beck to the east, Staindrop Road to the north and by agricultural land alongside the A1 (M) to the west. Further to the east of the site lies existing residential development in Mowden. The agricultural land to the south is the subject of a planning application (ref no: 17/00632/OUTE) for a residential development.

The application site comprises of several agricultural fields which are currently under arable use.

Nos 1 and 2 Coniscliffe Grange Cottages are located on Staindrop Road adjacent to the north west corner of the site and Coniscliffe Grange Farm and a property known as The Cottage are located to the west between the site and the A1 (M).

Footpath No 5 in the Parish of Low Coniscliffe is located in the North West corner of the site, Footpath No 49 in the Parish of Low Coniscliffe runs along the east boundary and Bridleway No 4 is located to the west of the site.

This outline planning application includes the following elements:

- Up to 985 residential dwellings including affordable housing;
- Land for a 56 place nursery, a primary school with school expansion land and associated school playing fields;
- 400sqm for a food convenience store;
- A GP Surgery located by the Local Store and Primary School;
- Proposed Sports Pitches with associated parking;
- Landscape planting and the retention and positive management of key landscape features;
- 19.53 ha of formal and informal open space (over 40% of the gross site outline application area);
- New access arrangements on to Staindrop Road comprising a surface water drainage scheme.

The planning application is an outline submission with all matters reserved apart from access. Matters such as landscaping, layout, appearance and scale will be considered as part of future Reserved Matters submissions. It is envisaged that the development would be brought forward in five phases with more than one developer involved.

### **Planning Obligations**

The applicant has agreed to enter into a Section 106 Agreement to secure financial contributions towards the following:

- A Bus subsidy
- Public Rights of Way Improvements and Maintenance
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- Management Programme for open space and play areas

### **Masterplan and Planning Application Reference number 16/00632/OUTE**

This planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the south and the planning application (ref no: 16/00632/OUTE) also forms part of this Agenda.

The planning application to the south has been submitted by Taylor Wimpey UK Limited and both applicants have worked together, in conjunction with the Council to produce the Masterplan upon which the individual applications are based.

Overall, the Masterplan covers an area of 76.78 hectares and will deliver a range of benefits for the local community and meet the housing requirement for Darlington Borough Council. The development will create up to 1,520 dwellings (42.54 hectares), along with a range of facilities to meet the needs of the growing community including a local convenience store (0.2 hectares), a primary school (1.83 hectares), a GP Surgery (0.37 hectares) and recreational facilities all set within public open space (29.43 hectares). There would also be equipped play areas, SUDs basins, playing fields and parking provision.

The Masterplan shows the indicative arrangement of new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes).

### **Statement of Community Involvement**

Gladman Developments and Taylor Wimpey engaged in a process of community engagement with the residents of Darlington in advance of submitting this application.

Full details of this have been set out in the Statement of Community Involvement submitted with this application

A public consultation event was held at Darlington Mowden Junior School on the 9th November 2016. A series of nine exhibition boards were displayed to the public introducing the scheme and illustrating the design development. Members of the public had the opportunity to discuss the proposals with representatives from the design team. The public were also invited to comment upon the draft development proposals.

Letters were also sent to appropriate stakeholders and meetings were held with certain groups including the Low Coniscliffe and Merrybent Parish Council and the local Action Group. A presentation was made to Members of Darlington Borough Council in January 2017.

The responses to these exercises were wide ranging which were responded to by both applicants. One of the main changes that evolved following this exercise was the inclusion of a GP within this application site.

The above process was carried out in accordance with the Council's Statement of Community Involvement document.

## **Environmental Impact Assessment**

Since the planning application has been submitted the Department for Communities and Local Government has deemed that the application to be Environmental Impact Assessment development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application. The ES considers the impact of the development under the following headings:

1. Traffic and Transport;
2. Air Quality
3. Noise and Vibration

Officers are satisfied that the content of the ES meets the Screening Direction that was issued by the DCLG. The EIA has been advertised and consulted upon in accordance with the Regulations 2017 and a copy of the Non-Technical Summary has been forwarded to the DCLG on behalf of the Secretary of State.

## **The “Call In” Request**

Members are advised that the Secretary of State (the National Planning Casebook Unit) has been requested by a third party to “call in” the planning application. It is normal practice for the Local Planning Authority to determine the planning application and then if the application has been minded by Members to be approved the Secretary of State will consider the request and then advise the Council as to whether the Secretary of State wishes to call in the planning application

**Application documents, detailed plans, the Environmental Statement, consultation responses, representations received and other background papers are available on the Darlington Borough Council website**

## **PLANNING HISTORY**

There is no recent planning history associated with the planning application site

## **RESULTS OF CONSULTATION AND PUBLICITY**

The Local Planning Authority issued 1790 consultation letters with local residents and erected a number of Site Notices and placed an advert in the Local Press when the application was first received and also when the Environmental Statement and additional information was received. A total of 74 letters of objection and 3 letters of representation have been received and the comments can be summarised as follows:

- *It is unlikely that the employment of those new people in the new development will be in the town of Darlington*
- *Any significant increase in traffic upon Coniscliffe Road/Cockerton/Elm Ridge will affect the convenience and safety of local road users*
- *The area in which these dwellings will be built is green belt*
- *The affordable units will be offered to Housing Associations with all the problems involved*
- *There is no current infrastructure in respect of senior schools*



- *There is a lack of a secondary school*
- *The current and proposed road changes will be insufficient to meet the increased level of traffic in the immediate area*
- *This is being built upon green belt farmland and this will be an ecological loss to the whole area*
- *Far more detailed survey of traffic movements should be undertaken*
- *How will the Council deal with the extra traffic on Barnes Road and Staindrop Road?*
- *Baydale Beck is a floodplain*
- *Northumbrian Water has a major chlorine store at the Water treatment Works*
- *The wildlife will be greatly endangered*
- *Darlington had many other residential sites identified and on the radar well before this difficult site, why are these not being brought forward if we have such an urgent need to houses*
- *My main concern about this application is the effect it will have on traffic flow along Staindrop road the B6279 and an increase in traffic and parking around the area near the Primary schools on Mowden estate until the new school is opened. I would also suggest that a road joining the B6279 to the A68 between Cockerton and the A1M needs to be considered in future planning to relieve the congestion in Cockerton.*
- *The development will cause the loss of more arable and green land at an attractive approach to Darlington*
- *This will create air pollution, noise and light pollution and will contaminate Baydale Beck*
- *The shops at Mowden are very difficult to park at and the development will result in an increase and further congestion to that area*
- *Existing secondary schools, medical practices and hospital services are already oversubscribed*
- *Building on green belt land should be a last resource*
- *Main roads and access for the development is wholly inadequate*
- *Contravention of Public Rights of Way*
- *Increase of costs to support extra Police/Fire and ambulance services*
- *Increased pressure on social services*
- *Do we really need any more new houses built as the ones built now are struggling to sell and older houses likewise*
- *The continuation of urban sprawl around Darlington is destroying the surrounding countryside*
- *The plans show there will be land for a proposed school on the site but there does not seem to be any commitment that a school will definitely be built*
- *A housing estate of this size would need doctors , dentist , catering establishments ,hairdressers etc and certainly more than one convenience store*
- *The increase in surface water runoff from the area will impact on the Baydale Beck and the area between the Beck and housing*
- *The Beck cannot take any more volume as it is at its maximum from the present housing on Mowden and drainage pipes get blocked with silt and rubbish causing blockages*

- *There is no details on garages, drives and parking areas for the new dwellings*
- *The development will decrease air quality*
- *Expecting people to walk and cycle is unrealistic*
- *Darlington will end up looking like a large housing estate*
- *More than 2000 extra cars will be using Staindrop Road*
- *Vehicles will be stationary on Staindrop Road preventing cars from pulling out of and entering existing drives*
- *The increase in traffic will cause massive congestion in Woodlands Road, Cockerton, West Auckland Road, Coniscliffe Road and Staindrop Road*
- *If granted this would become a major arterial route for persons from Barnard Castle Coniscliffe, Gainford to gain access to the A1M Northbound via new roads in other applications*
- *This request is in conflict with the original development plan and impacts on a public right of way, any change to public rights of way cannot be agreed to, unless said rights of way are protected through the provision of the planning provision? If the public right of way cannot be maintained then I have to object to this planning request*
- *The proposed build does not address the problem of homelessness or lack of affordable homes*
- *This planning application and the site to the north should be looked at as a whole and not as separate applications*
- *This development will have an adverse impact on the work that has already been done to preserve and conserve wildlife, habitat and fauna*
- *I can't believe that Darlington Borough Council would consider giving approval for this planning application to build this number of houses on prime agricultural land.*
- *Roads will not be able to cope with the large volume of additional traffic generated from both these sites*
- *I feel enough land and open space has already been taken for development.*
- *The spine road will be a rat run*
- *Should this ill-conceived proposal go ahead we would expect that all environmental aspects with regard to the Baydale Beck green area be considered in great depth.*
- *To build the number of dwellings proposed would cause a massive increase in traffic on these roads leading into town which I believe the current road infrastructure would not be able to cope with leading to congestion, pollution, accidents and affect the quality of lives for the current residents*
- *This area of farmland has public footpaths which my family enjoy using which is on our doorstep and one of the reasons we moved, this will be taken away if this development goes ahead*
- *There will be an increase in noise and dust pollution*
- *Other developments sites exist in the Town and West end which have not been developed. These should be developed first rather than allow developers to buy farm land which us easier to develop.*
- *Staindrop Road is a busy road now, particularly at its junction with the 1st mini roundabout and then the 2nd roundabout in Cockerton. Long queues*

*forming in a morning and evening. Likewise Staindrop Road going out of down becomes narrow and at times dangerous.*

- *Construction of housing on this site appears unnecessary as there are several large developments in progress in the town which will provide adequate new housing in the borough.*
- *To have 985 dwellings then using this road as a means of egress and access will have a detrimental effect on an already busy stretch of road.*
- *There is already a lack of entertainment opportunities for teenagers in the West of Darlington so to add a significant number of additional young people the area increases the likelihood of anti-social behaviour in the area as they will struggle to find anything to keep themselves gainfully employed locally.*
- *The BT Openreach based broadband connection in this area of Mowden is already very slow, the addition of this amount of additional homes is presumably likely to stretch this service further.*
- *Where I live there have been problems with burglaries via public pathways into the estate- the plans for the new estate show public footbridges into Yiewesley Manor therefore increasing access points, these will only aid burglaries and increase the crime rate in the area.*
- *I am concerned that there will be a greater risk of flooding to the Baydale Beck stream area on the eastern edge of the development and to the beck flowing north of Staindrop road towards Cockerton.*
- *The proposed development will increase traffic congestion and access problems and increase highway safety concerns*
- *Local drains are at capacity causing flooding and backlogging of foul drain on occasions*
- *This will be an erosion of rural space between settlements*
- *The school will not be built and the Council cannot afford the funding*
- *The bus services to the west end of Darlington are poor now and would need to be extended to cover both sites*
- *Who is going to buy these houses?*
- *Roads near schools are very congested at pick up and drop off times and this would be made worse*
- *The space to the west of Baydale Beck will be lost and this space contributes positive social and environmental benefits*
- *The road infrastructure will not cope with the extra vehicles from the estate*
- *Extra surface water will be discharged into the Beck and this has flooded on many occasions*
- *The local amenities are not sustainable*
- *This will result in dangerous road conditions*
- *The proposed sustainable urban drainage to manage the surface water run-off on the site to the existing greenfield run-off rates will also be another planning disaster.*
- *The infrastructure should be in place before a development of this size is undertaken and this is definitely not the case with this application*
- *The Elm Ridge roundabout is already extremely busy during rush hour and extra cars from this development will only exacerbate the problem*
- *If the development is approved I think it is essential that there is no through road between Coniscliffe and Staindrop Road.*

- *A safe cycle route is required showing safe links to offsite facilities and on Coniscliffe Road between the access point and existing cycles lanes*
- *I must ask that the appropriate investigations be carried out to confirm that all services can accept these additions dwellings. Can a further 3000 cars be accommodated?*
- *The Beck floods regularly and we are concerned that the development will lead to the creation of a floodplain on the fields behind existing houses putting them at risk*
- *Is there a demand for housing when taking account of all the other housing developments taking place?*
- *There is no evidence that there is a need for a development of this scale*
- *The development is urban sprawl*
- *The need the land for a healthy lifestyle and enjoyment*
- *Building a school so close to the motorway will put pupils at risk from dangerous roads and pollution*
- *This agricultural land is home to numerous species of wildlife and building on this land would destroy this natural habitat forever*
- *There are no traffic mitigation measures being planned around Elm Ridge roundabout despite the traffic plan showing over capacity*
- *It is clearly fundamentally incorrect that the new housing estate will be entering the town via public transport, cycle or walking as per the traffic model*
- *There is no consideration to allow traffic to exit the town onto the A1 unless it uses Blands Corner roundabout or West Auckland Road which are already heavily congested*
- *As there is only one shop, the existing shops on Mowden will be used and there is insufficient parking there at present for the Mowden community*
- *The Baydale Beck has a history of flooding problems*
- *This development will increase levels of antisocial behaviour*
- *The Council should take into account the Low Coniscliffe and Merrybent Parish Council Neighbourhood Plan*
- *The development is contrary to local development plan policies*
- *The development will have an adverse impact on the existing footpaths and bridleways in the area which are currently enjoyed very well used. The area will change from a rural green belt area to a built up area*
- *How can the houses per physically and visually contained as per the supporting Reports?*
- *Provision of sustainable transport does not work*
- *The extent of the buffer zone between the Beck and the new housing is not sufficient*
- *We don't agree with the comments from the Bird Club that the site is not important for birds*
- *Environmental damage would result during and following construction*
- *The proposed development is contrary to local development policies*
- *More road journeys will result in more wear and tear and associated repairs to the existing roads, drainage and other buried services*
- *There is a responsibility to provide safe cycle routes*
- *The development will be a threat to public rights of way*

- *Environmental damage would result during and following construction*
- *I don't feel this proposal will bring greater prosperity to Darlington as the negative aspects outweigh any positives for those living here*

Darlington Friends of the Earth submitted two detailed responses objecting to the planning application. The comments can be summarised as follows:

- *It will be contrary to the Council's Green Infrastructure Strategy and to a number of Core Strategic planning policies*
- *The development will exacerbate traffic congestion and degrade air quality with major implications on the wider highway network*
- *The loss of farmland and the increase in built up areas increases the risk of Staindrop Road being flooded from the Baydale Beck*
- *The site is close to Broken Scar Water Treatment Works. What mitigation measures are in place should there be a leak of chlorine gas?*
- *It is very unfortunate that biodiversity has been scoped out of the EIA process but we considered there will be a habitat loss for farmland and riparian birds which are likely to disappear from the area*
- *The developments will be contrary to the Council's local development plan policies and intentions*
- *The developments will be contrary to National Planning Policy Framework which requires planning decisions to enhance the natural environment*
- *The new environmental report does not in my opinion adequately address the noise from the motorway and as far as I could comprehend a 1.6m high wooden fence would be the answer to keeping noise levels to within the 55Db limit!*
- *The Council still does not have a robust development plan, but importantly the previous principles should still count, and until this plan is approved maybe all large developments applications should be suspended*
- *If a shortfall is the case in the longer term and without an approved Local Plan then I assume it would be good practice to bring forward all identified sites under the 2010 plan and continue to explore all brownfield sites eg DSRM Whessoe Road and include all council owned land*

The Darlington Bird Club has commented with two detailed responses objecting to the application which can be summarised as follows:

- *Whilst I cannot object to the application on the basis that these sites are presently important for birds, I am very concerned that the application appear contrary to the Council's Green Infrastructure and local planning policies and this has to be taken in consideration*
- *It is unfortunate that biodiversity has been scoped out of the EIA as the impacts of the proposed development on the enhancement of the Baydale Beck is vital to assess*

The Campaign for the Protection of Rural England has submitted a detailed objection to the application. They have objected on the following grounds:

- *The need for this proposal*

- *Prematurity*
- *The proposed use of a large greenfield site*
- *Conflict with the Darlington Infrastructure Strategy*
- *Traffic Issues*
- *Noise Issues*
- *Conflict with other development plan policies*

The Campaign for the Protection of Rural England submitted further comments disagreeing with the Council's planning policy position and requests that the applications are not determined until the Emerging Local Plan has undergone an Examination in Public

Low Coniscliffe and Merrybent Parish Council has objected to the planning application. The detailed response can be summarised as follows:

- *The proposed development lies in the open countryside and outside of the Darlington settlement boundary and it would result in coalescence. The development is contrary to planning policy*
- *The NPPF and the presumption in favour of sustainable development does not change the statutory purpose of the development plan and there are no material planning considerations carrying sufficient weight to justify development contrary to it*
- *The application site lies within a Minerals Safeguarding Area and no evidence has been provided to demonstrate the need for the development outweighs the need for the mineral resource and the development is contrary to development plan policy*
- *The Annual Position Statement on the five year housing land supply position has not been considered by the Secretary of State*
- *The emerging Local Plan cannot be relied upon as part of the decision making process*
- *The position statement clearly illustrates that recent completion rates are very high. Whilst the housing requirement figures are not a ceiling, given the substantial level of land available within the current five year period and the uncertainty over the soundness of the emerging Local Plan, it is submitted that the application should be refused as it is premature. Paragraph 49 of the NPPF sets out limited circumstances where a refusal on the grounds of prematurity may be appropriate*
- *The proposal is clearly contrary to a number of policies within the Low Coniscliffe and Merrybent Neighbourhood Plan*
- *The Parish Council share the expressed concerns that residents have already raised in objection to the planning application regarding highway impacts. I would ask the planning authority and its consultees to carefully scrutinise the data on which the conclusions of the EIA are based as the suggestion that with minor junction improvements and a travel plan the highway impacts will be negligible is far from convincing*

Jenny Chapman MP has contacted the Council having been contacted by a constituent and another resident who wished to remain anonymous. The letter states:

- *Both have contacted me about the impact of the proposed Coniscliffe Park developments. In summary they are worried about the scale of this development, the impact on traffic and congestion, the loss of amenities, the potential impact on wildlife and the environment more generally, and the potential for part of the site to be flooded. Given the scale and potential impact of this development, I share my constituents concerns*

Phil Wilson MP has contact the local planning authority with a letter of objection from a local resident from Westbeck Grove.

### **Consultee Responses**

The **Council's Highways Engineer** has raised no objections subject to the imposition on appropriate planning conditions

The **Council's Environmental Health Officer** has raised no objections subject to the imposition of conditions relating to land contamination; construction impacts and noise

The **Council's Sustainable Transport Officer** has provided advice on the planning application and requested planning obligations

The **Council's Historic Asset Officer** has raised no objections

The **Council's Senior Ecology and Landscape Officer** has requested the imposition of planning conditions

The **Council's Senior Arboricultural Officer** has requested the submission of tree reports and protective fencing which all be secured by planning conditions

The **Council's Countryside Access Officer** has raised no objections to the proposed development

**Historic England** has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

**Northern Gas Networks** has raised no objections

**Northumbrian Water** has raised no objections subject to the imposition of planning conditions

The **Durham Constabulary Architectural Liaison Officer** has provided general "Crime Prevention through Environmental Design" advice in relation to safety and security measures for housing developments

**Highways England** has raised no objections to the development and withdrawn their holding objection subject to the imposition of planning conditions relating to a detailed scheme for the off-site highway improvement works at Bland's Corner

**Environment Agency** has raised no objections subject to the imposition of planning conditions relate to flood risk, drainage and ecology

The **Lead Local Flood Authority** has raised no objections subject to the imposition of conditions relating to drainage

The **Durham County Council Archaeology Team** has advised that there is no requirement for the imposition of any planning conditions following the findings of trial trenching that has taken place on the site

**Sport England** support the planning application provided that playing pitches are used by the community and maintenance costs are secured.

## **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

### **Saved Borough of Darlington Local Plan 1997**

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

### **Darlington Core Strategy Development Plan Document 2011**

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)  
CS2 Achieving High Quality, Sustainable Design  
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CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

### **Tees Valley Minerals Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

### **National Planning Policy Framework 2019**

### **Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)**

LCM 1: Landscape  
LCM 2: Tranquillity  
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LCM 18: Transport and New Developments  
LCM 19: Public Rights of Way

### **Other Documents**

Planning Obligations SPD 2013  
Design of New Development SPD 2011  
Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)

## **PLANNING ISSUES**

The main issues to be considered here is whether the proposed development is acceptable in the following terms:



- Planning Policy
- Impact upon the Mineral Safeguarding Area
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of Agricultural Land
- Design and Layout and Impact on the Character and Appearance of the Area
- Highway Safety
- Residential Amenity
- Flood Risk and Drainage
- Air Quality
- Noise
- Land Contamination
- Impact on the Setting of Heritage Assets
- Impact on Existing Trees and Landscaping
- Impact on Footpaths and Public Rights of Way
- Ecology
- Affordable Housing
- Sport Provision
- School Places
- Developer Contributions
- Delivery

### **Planning Policy**

Planning law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

In relation to housing, the NPPF (2019) requires local authorities to plan positively for housing development to meet the needs of their area.

The Ministry for Housing Communities and Local Government announced that Councils should start using the government’s new standard method for assessing housing need immediately when determining applications. National Planning Policy Guidance has also been updated to reflect this. The guidance states, housing requirement figures identified in strategic policies should be used as the starting point for calculating the five year land supply figure for the first five years of the plan and where the strategic housing policies are more than 5 years old, but have been reviewed and are found not to need updating. In other circumstances, the starting point for calculating the five year land supply will be local housing need using the standard method. Utilising the local housing need figure for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council considers that a 17 year supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

A 5% buffer has been applied to the five year supply figure. The Council has produced a Five Year Housing Land Supply Position Statement (April 2019) which sets out the housing land supply position for the period 1 April 2019 to 31 March 2024, when measured against the local housing need figure.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable, sustainable and deliverable for housing development in the emerging Local Plan.

The aim of saved policy E2 is to direct new development to within the development limits and to safeguard the character and appearance of the countryside. The application site is located beyond the development limits of the main urban area and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy (2011). The proposal would also subsequently be contrary to policy H7 (Areas of Housing Restraint) as the scheme does not meet the requirements of this policy.

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to saved policy E2 there are other material considerations which should be considered in the planning balance.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. Evidence base work to support the emerging Local Plan included an update to the Strategic Housing Market Assessment which was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This housing requirement is significantly higher than the Government's local housing need figure for Darlington. The Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. In line with Government policy and guidance, the emerging Local Plan can only be afforded limited weight at this stage in its preparation. As outlined above, the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure (177), which does include the application site. However, once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted. In effect the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

It is important to note that the second part of saved policy E2 relating to the protection of the character and appearance of the countryside is still relevant and the impact of the development on the countryside should be considered in the planning balance. It is set out elsewhere in this Report that it is considered that residential development on this site would not have a significant impact on the character and appearance of the countryside.

The site is an extension to the existing urban area potentially with access to existing services /facilities but the community and retail facilities proposed in the scheme will also increase the sustainability of the scheme by providing services for the new community reducing the need to travel.

***The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036)***

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) was examined by an independent examiner earlier this year. The examiner's report recommended that the Neighbourhood Plan could proceed to referendum subject to a number of modifications to the plan. The Council agreed with the examiners recommendations and a referendum is scheduled to take place on the 23<sup>rd</sup> May 2019.

Paragraph 48 of the NPPF (2019) sets out how much weight should be given to relevant policies in emerging plans. Factors to consider include the stage of preparation, the extent to which there are unresolved objectives to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The Neighbourhood Planning Act 2017 also sets out that a local planning authority has to have regard to a 'post-examination', unmade neighbourhood plan as a material consideration in the determination of planning applications.

In view of the above, as the Neighbourhood Plan is post-examination, some weight can be given to relevant policies. The most relevant policy to the proposal is LCM11 (General location of new development). The proposal would be located outside of the settlement boundary as shown in the Neighbourhood Plan policies map and would be contrary to LCM11 (General location of new development). Other site specific related policies would include LCM 6 (Wildlife Corridors) and LCM 19 (Public Rights of Way).

Although the application site is outside of settlement boundaries, it is not for neighbourhood plans to set strategic policies or to allocate strategic sites. As set out in paragraph 13 of the NPPF a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies. The purpose of neighbourhood planning is to address more local needs and issues. The application site is a major residential scheme and forms part of a strategic allocation in the emerging Local Plan. In view of this and given the other material planning considerations outlined above, these factors outweigh any policy concerns in terms of the conflict with the Neighbourhood Plan.

### ***Housing Need***

Concerns have been raised from objectors to the application that there is no need for new housing given the Council's current five year land supply position and local housing need figure. It has also been commented that the housing requirement in the emerging Local Plan is untested at examination and therefore it would be unsafe to grant permission on this information. As outlined above the Council considers that there is clear evidence to justify a higher housing requirement and this is a material planning consideration. If emerging allocations are not supported, once the Local Plan is adopted, there is the danger of not being able to demonstrate a five year supply and not meeting the overall housing needs identified within the evidence base. It is important to note that the local housing need figure is very much a minimum starting point for local authorities and Darlington has delivered substantially above this figure over the last two financial years, supporting the Council's evidence that there is a higher housing need. The scheme also generally supports the Government's objective of significantly boosting the supply of housing.

### ***Prematurity of the Planning Application***

A further concern raised was that granting permission for the site would prejudice the Local Plan process, as such the application should be refused on prematurity grounds. A High Court decision for a large housing development in Cornwall was referred to as this scheme was refused as it would have been premature in advance of an emerging Core Strategy (*Wainhomes (south west) Holdings Ltd vs Secretary of State for Communities and Local Government (2012) EWHC 914*).

Paragraph 49 of the NPPF sets out circumstances where applications should be refused on prematurity grounds. Where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to say, where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

There are no concerns in terms of the application undermining the emerging Darlington Local Plan as the site is a proposed allocation. Although the plan is not in the final stages of the plan-making process, the site is considered to be suitable for residential development and a draft plan including the site was subject to a full public consultation during summer 2018. It should also be noted that the High Court decision provided as an example is not directly comparable to this application. The Cornwall emerging Core Strategy was at very early stages of preparation and at the time of the planning inquiry consultation had not yet been undertaken on housing requirement, locational strategy or strategic site options. Consequently, there were grounds for refusal as granting

permission would undermine the process; reduce choices in terms of site selection and would deny the community the opportunity of determining its preferred choice of housing sites.

It has been emphasised that the proposal is contrary to the development plan and therefore the decision maker's initial stance must be adverse to the grant of planning permission. This is acknowledged and is recognised in paragraph 12 of the NPPF which states that the development plan is the starting point for decision making. However, the paragraph goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is a case where the application under consideration is contrary to policies of the existing development plan, however there are other material considerations, which have been outlined above, which outweigh this conflict and indicate that the plan should not be followed.

In summary, despite the conflict with policy E2, CS1 and H7, when considered in the context of the emerging Local Plan and five year supply, the principle of residential development on this site is considered to be acceptable.

### **Impact upon the Mineral Safeguarding Area**

The site is within a minerals safeguarding area in the Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document. Policy MWC4 of the Strategy specifies that non-mineral development will only be permitted if:

1. The development would not sterilise or prejudice the future extraction of the mineral
2. resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way so there is evidence that the resource has been sufficiently depleted by previous extraction; or
3. The mineral will be extracted prior to the development and this will not significantly
4. adversely affect the timing and viability of the non-minerals development; or
5. The need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource

A Minerals Resource Assessment submitted in support of the planning application states that it is unlikely that the site would be extracted from the site for a number of reasons, including:

- Extraction of mineral within the site would likely result in noise, dust, visual and transport impacts. It is unlikely that planning consent would be obtained for a quarry within the application site, regardless of the proposed non-mineral development.
- Borehole records indicate that the dolestone is covered by approximately 40m of Glacial Till. Therefore, extraction of the mineral would have significant impacts on the site topography, and would most likely make the proposed development unviable in the short to medium term.

- The landowner does not wish to extract the mineral prior to undertaking the development.
- In terms of proximal sterilisation, existing developments and features around the application site already sterilise much of the mineral resource. It is therefore unlikely that the mineral would be extracted regardless of the proposed development.

Furthermore, the need to provide sustainable deliverable housing sites has to be considered against the limited potential of the site to be used for mineral extraction and it is not considered that the site should be safeguarded from development of the type being proposed and impacts would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough.

### **Impact on non-designated Heritage Assets (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.

An Archaeological Statement has been submitted which includes the results of a desk based assessment and geophysical survey of the site. The desk-based assessment concluded that there was low potential for settlement or other significant archaeological remains of prehistoric or Roman date at the site. The site lies outside the medieval and post-medieval settlement of Low Coniscliffe and it was therefore concluded that there was low to nil potential for significant archaeological remains from these periods.

The geophysical survey of the overall proposed development identified no anomalies of clear archaeological potential. Several 'undetermined' anomalies were identified that may relate to archaeological assets with a number of these located within the north-eastern part of the site. Numerous linear anomalies were identified across the site which represent phases of agricultural activity of modern and historic origin, along with former field boundaries that correlate with historic mapping evidence.

Subsequent trial trenching evaluation was undertaken in August-September 2018 and comprised sixty-nine 50m long trenches sited to investigate geophysical anomalies and areas where no anomalies were detected in order to identify the archaeological potential of the site. It was the aim of this scheme of work to identify and record any archaeological remains which may have been present in order to mitigate potential impacts to the heritage resource.

No features or deposits of archaeological significance were observed during the evaluation. All geophysical anomalies related to either variations in geology sub-strata, numerous field drains crossing the site or dumped deposits.

The Archaeology Team at Durham County Council has confirmed that the archiving and reporting aspects of the scheme have all been completed and there is no need for any condition for archaeological works to be placed on any permission, if granted for this application.

### **Loss of Agricultural Land**

The NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The MAFF Agricultural Land Classification map indicates that the classification is Grade 3 (Good to Moderate) across the application site. A detailed soil resource and agricultural quality survey was carried out in September 2017. The soils on the higher ground in the west and an area adjoining the eastern boundary are mainly imperfectly-draining sandy clay loams. The rest of the site has heavier, often poorly-draining soils, with slowly permeable clay loam or clay subsoil at shallow depth.

It is acknowledged that the development proposals will result in the loss of agricultural land but there is a significant amount of higher grade agricultural land to the west and also along the River Tees. The loss of agricultural land would not be significant in the context of the land available for agricultural purposes throughout the rest of the Borough.

It is also considered that the considerable material benefits, such as the need to deliver housing in sustainable locations that would derive from the development proposals would considerably outweigh the loss of agricultural land on the urban fringe.

### **Design and Layout and Impact on the Character and Appearance of the Area**

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

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

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

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species and which enhances the appearance of the development and its setting.

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

The Darlington Landscape Character Assessment places the site within Character Area 3: *Denton and Walworth Farmland*. With regards to landscape sensitivities along the settlement edges the assessment states:

*"This character area adjoins the western boundary of Darlington. The settlements of High Coniscliffe and Merrybent are located on the A67 to the south, and the villages of Killerby, Summerhouses and Denton are inset within the character area. The A1 motorway provides a strong divide in the landscape between the more rural western part of this character area, and the smaller eastern section which is more influenced by its proximity to the urban area...The tributary Baydale Beck forms the current settlement edge, which is also well provided with open space and mature woodland along the beck, along both sides of the development limit. To the south is the Broken Scar waterworks and local wildlife site. Community woodland has been established in association with recent development at Merrybent Drive. The landscape of this area shows less of the rural tranquillity which is prevalent further west, and it is visually contained. These areas are considered to be of lower overall sensitivity."*

The wider site is situated on gently sloping and undulating land which falls to the south towards the River Tees and to the east towards the Baydale Beck. The site comprises of several agricultural fields, the vast majority of which are currently under arable use. A rather degraded structure occurs where intensive agricultural use has resulted in narrow field margins. Consequently much the site is lacking in any significant vegetation cover or other internal features of value. Along the field boundaries variable vegetation cover occurs depending on the presence of hedgerows. The majority of hedgerows are low clipped and with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However the site itself is not considered to be of high quality nor in good condition.

As stated this planning application is based on a Masterplan for redeveloping a wider site and the planning application has been supported by a Design and Access Statement and a Landscape and Visual Impact Assessment which outlines the evolution of the Masterplan and considers the impact of redeveloping the whole site and the design principles that would then be incorporated into future Reserved Matters submissions.



The planning application is to redevelop the site for residential purposes comprising up to 985 dwellings. Design and Access Statements states that the development will provide for a mix of dwellings and house types, ranging from 2-5 bedroom units. This planning application site also includes land for the erection of a new school, a local store (400 sqm); sports pitches with associated parking, public open space, landscaping and sustainable drainage system (SUDS). The school, local centre and playing fields have been located close to the centre of the wider site in order to be easily accessible and beneficial to the future occupants of development to the south (17/00632/OUTE).

To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition recreational footpath connections are provided through the green infrastructure with direct connections onto Coniscliffe Road, Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. Additional crossing points proposed over the Baydale Beck along with the new internal footpath network on site will improve connectivity to the wider footpath network to the west of the site. There are two possible locations over the Beck from this site but any connections will be the subject of future planning applications and subject to feasibility studies.

The layout of streets would provide a safe and well overlooked public realm and the streets would be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

A Landscape and Visual Impact Assessment submitted in support of the application and concludes that the site has the potential to accommodate a well-planned residential development without causing significant harm to the wider settlement or local landscape context. The scale and size of the development would be in keeping with the existing residential character at the edge of Darlington.

The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south), the A1 (M), Staindrop Road to the north and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected and a high quality residential development could be created which minimises detrimental environmental effects.

Officers accept the findings of the Assessment and whilst such matters will be considered be one detail with the submission of Reserved Matters application, the layout of the Masterplan shows that the site can be satisfactorily redeveloped for residential purposes along with the associated uses. A planning condition would be imposed to ensure the Reserved Matters submissions are carried out in accordance with the Masterplan.

## **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.

Two junctions will be provided onto Staindrop Road in the form of a roundabout and a priority controlled T-junction. The roundabout would be formed towards the north western boundary and the junction would be provided towards the north eastern boundary. A spine road to create a north south link between the A67 Coniscliffe Road and B6279 Staindrop Road forming a partial bypass of Darlington and providing an alternative route to the B6280 (Carmel Road North) to the east of the site.

In order to mitigate the highway impacts of this site and the site to the north (ref no: 17/00632/OUTE) there are off site highway works being proposed.

#### *Cockerton Improvements*

A scheme was developed in order to mitigate future development traffic and it is assumed that these committed improvements would be implemented by 2030/2032. This scheme involves replacing the existing mini roundabouts with standard roundabouts and some entry lane widening. Following discussions with the Council, a scheme has been agreed to develop the committed improvement scheme with additional widening.

#### *Blands Corner Mitigation*

This proposed scheme comprises several elements:

- Widening of the exit from the roundabout onto the A66 (east) to provide two lanes on the immediate exit for a distance of 200m followed by a length of merge taper with ghost island hatching to the offside and a further length of merge taper to the existing single carriageway. This includes increasing the size of the pedestrian splitter island on this arm to minimise the crossing distance on this exit from the roundabout
- Widening of A67 Carmel Road South on its eastern side to provide a longer length of two lane entry at the roundabout and;
- Amendments to the road markings and signing on the approach to the roundabout on the A66 (westbound) to provide additional entry capacity

#### ***Sustainable Transport Matters***

The closest bus stop is located on Stain drop Road over 1km from the centre of the site. This bus stop is served by service 16 (an hourly service, no evening or Sunday service) and service 84/84A (a two hourly service, no evening or Sunday service). 80% or more of this site far exceeds the preferred walking distance to a bus stop (as per the SPD). Even using proposed links to the east across Bay dale Beck and into Mowden, the distance to Edinburgh Drive/Fulthorpe Avenue/Barnes Road is still approx. 1km. The site is therefore not accessible by bus and would need significant pump priming.

Any pump primed service should be half hourly as a minimum and provided for at least five years, with an appropriate trigger to give this service the best opportunity to

become commercial. A bus subsidy would be secured by a planning obligation within a Section 106 Agreement along with the trigger points for payments.

The proposed access arrangements onto Staindrop Road show a 3m footway/cycleway from the proposed access roundabout eastwards to tie into the existing provision. This will provide good connectivity from the 'main avenue' spine road onto Staindrop Road and is a welcome addition.

The footway/cycleway along Staindrop Road towards Edgecombe Drive will need to be lit as this will provide a Safe Route to School.

Within the Design and Access statement the main avenue is proposed to include a 3m shared footway/cycleway along one side which is welcomed and links would be made from this shared space to other routes throughout the site. Permeability of the site is key and links to existing foot and cycle paths alongside the west of Baydale Beck should be made as shown on the Masterplan which also suggests potential pedestrian links across Baydale Beck. This again is welcomed and potential to make links into the existing estates should be made to enable good links directly into Mowden close to Mowden shops and bus stops.

A sustainable transport contribution will be sought via the Section 106 Agreement for a contribution towards a bus subsidy, Personalised Travel Planning (PTP) programme Travel Plan measures and bridge crossing and footpath links over the Baydale Beck in locations to be agreed

### ***Impact on the Local Highway Network***

A Transport Assessment has been provided in support of this application to assess the cumulative impact of both this site and the site to the north (planning application reference number 17/00632/OUTE).

The Transport Assessment presents expected vehicular trip rates based on TRICS analysis. The TRICS rates used are of the correct order of magnitude for the size and location of development; and this would show that around 1000 two way trips in total for both developments are generated in the am and PM peak periods for the housing element distributed around the wider highway network. Given the scale of the development an area wide microsimulation model was requested to assess the impact of the two developments.

A Transport Addendum has been produced to summarise the further modelling work carried out to date as part of the background information for the planning application.

A validated Aimsun model was developed to cover the north-western quadrant of the Town, with its extents stretching from the A1 (M) to the west, the inner ring road to the east and Blands Corner to the south. The Aimsun model covers the Am peak (07:45-08:45) and Pm peak (17:00-1800) periods and this has been validated by traffic surveys (manual classified counts), ATC counts, journey time surveys and queue observations. Timings for the traffic signal junctions were provided by the Council to incorporate in the model as well as bus service data.

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National Guidance (DMRB) dictates that traffic models should be satisfactorily calibrated and validated and that modelled journey times should be within 15% (or 1 minute if higher) as compared to the observed journey times for 85% of the routes or higher. It has been demonstrated that the base 2016 Aimsun model meets the DMRB criteria.

Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Temprow growth (base year traffic growth with Temprow over the network plus committed development including west park and Faverdale business park). The results of the modelling show that mitigation schemes at Cockerton Roundabouts and Blands Corner on the A66 are required on the wider highway network to equal or better the journey times when reviewed against the base scenario in 2032. The modelling work has been independently verified by a consultant employed by the Council to not only review this application but to review the wider local plan scenarios and has also been agreed with Highways England with reference to works on their network.

The development will be subject to a Section 106 agreement, which will include a financial contribution to the above off-site mitigation works which will be paid on trigger points based on development build out. The link road from Staindrop Road to Coniscliffe Road will be required to be built out based on an agreed trigger point of the occupation of 300 dwellings this and the site to the north (ref no 17/00632/OUTE)

A bus loop must be provided off Staindrop Road as part of the first phase of residential development to enable this to be a sustainable development, this will be amended to suit the development as the build-out of each phase progresses.

A central spine road running north south through the development and through the second proposed site (17/00632/OUTE) located to the south is a key feature of the

development strategy. It has been proposed to take access to the northern development from two locations on Staindrop Road (B6279), namely a new roundabout and an additional priority junction located to the East of the roundabout. Ultimately a link to the north from Staindrop Road onto Newton Lane is envisaged and therefore the new roundabout should be sized accordingly to accommodate a fourth arm to the north and potential traffic volumes that have been tested as a sensitivity check as part of the modelling works. Changes to the existing speed limit on Staindrop Road are proposed and further discussions will be required with Council and the Police to agree a suitable position for the amended 40mph speed limit.

This central development spine road will form an arterial link between Staindrop Road and Coniscliffe Road and will need to be of suitable design to enable busses and other large vehicles to pass through. A minimum 6.7m carriageway with a 4.0m shared cycleway footway should be provided to one side, with an additional 2.0m footway separated from the carriageway by a 2.0m verge located on the opposite side. Bus stops should be in the form of half width laybys and located at suitable intervals and locations as advised by the Council. Careful consideration is to be given to the type of dwelling and access arrangement along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network being 20mph.

The internal access roads should be built to adoptable standards of construction, geometry and visibility, and have suitable pedestrian and cycle links to the surrounding infrastructure. Footways should be provided alongside all roads which are developed and be a minimum of 2.0m wide; note all footway and carriageway widths specified are measured between restraints.

Swept path analysis should be carried out to demonstrate the internal network will operate satisfactorily for the expected vehicles entering the housing estate including emergency services and refuse vehicles which are now 11.2m long and for all vehicles on the new strategic links including buses and large goods vehicles.

In curtilage parking numbers across the site should accord with the latest Tees Valley Design Guidance and in order for garages to count as a parking space they must be a minimum of 3m x 6m internal dimensions, this is also applied to the dimensions of in-curtilage parking spaces.

A suitable street lighting design will be required to be submitted for approval and agreement should be sought from the Council

The retail and school developments proposed will require suitable provision of operational and customer/visitor parking as specified in the Tees Valley Design Guide. It is good planning practice to incorporate some school parking provision as part of the retail element to avoid overspill onto the highway during the peak pick up/drop off times for the school.

The above specific details of the internal layout of the development have not been provided at this stage as this is an outline application. However, the details can be secured for each phase of the development via the imposition of planning conditions.

The Council's Highways Engineer has advised that, subject to the mitigations measures and the appropriate planning conditions, the proposed development is acceptable in highway terms.

### ***Impact on the Strategic Road Network***

An improvement scheme to mitigate the increased traffic impact at the A66/A67/A167 Blands Corner Roundabout is required. Following assessment, and subject to a Stage One Road Safety Audit, an agreed design for the upgrade is approved. From the impact of both developments Highways England require that mitigation at Blands Corner is necessary after occupation of 300 dwellings, and to apportion this requirement between the two developments we require that the agreed improvements are operational before 105 dwellings of this development are occupied.

Highways England have raised no objections to the planning application and they have withdrawn their holding objection

### ***Planning Obligations***

A Section 106 contribution towards mitigation at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout and the Cockerton Roundabouts

### ***Residential Amenity***

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF (2019) which seeks to create places with a high standard of amenity for existing and future users (para 127).

The proximity distances that must be met between existing and proposed dwellings and between the new dwellings within the new development are contained within the Council's adopted Supplementary Planning Document - Design for New Development.

There are no dwellings within the immediate proximity of the application site and the spatial relationships between new dwellings within the site will be considered in detail at future Reserved Matters stage.

A planning condition has been imposed to secure the submission of a Construction Management Plan for each phase of the development

The impact of external noise sources upon the future occupants of the development is considered elsewhere in this report, along with air quality.

### ***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.

A Flood Risk Assessment has been submitted in support of the planning application, The Environment Agency (EA) flood maps show that the development area of the Site is located entirely within Flood Zone 1 which is considered to be at low risk of flooding from rivers. Areas associated with Flood Zones 2 and 3 (medium to high risk) are located on the eastern boundary outside of the development area of the site.

An ordinary watercourse (ditch) runs eastwards along a central-eastern field boundary discharging into Baydale Beck. There are further ditches (ordinary watercourses) located on the southernmost boundary routing parallel to Baydale Beck on its eastern bank. This ditch does not have surficial hydraulic connectivity to Baydale Beck.

Fluvial flood risk mitigation measures from the onsite watercourses include:

- Sequentially developing the site and providing a 4m easement free from development either side of the onsite ditches and an 8m easement free from development adjacent Baydale Beck on the eastern boundary;
- Undertake maintenance activities to keep the onsite ditches free from debris and overgrown vegetation to sustain conveyance;
- Set finished floor levels of buildings a minimum of +150mm above external ground levels to mitigate residual flood risk from fluvial flooding.

Groundwater flooding and surface water flooding will be mitigated to a negligible level through the adoption of a surface water management strategy. The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the site following development will not increase. This will be achieved through two appropriately sized attenuation ponds, with outfalls to Baydale Beck on the eastern boundary of the site. All runoff will be restricted to QBAR for all return periods.

The FRA demonstrates that the proposed development, if developed sequentially, would be at low risk from flooding (greater than 1 in 1000 years; 0.1% AEP), and would not increase flood risk elsewhere. The FRA concludes that the development should therefore not be refused on the grounds of flood risk.

Northumbrian Water assess the impact of the proposed development on their assets and assess the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has no objections to the proposed development subject to the scheme being carried out in accordance with the submitted Flood Risk Assessment

The Lead Local Flood Authority and the Environment Agency both have no objections to the principle of redeveloping the site for residential purposes but they have requested the imposition of planning conditions.

## **Air Quality**

The Environmental Statement expands on the original air quality assessment report submitted with the planning application.

The assessment looks at the potential air quality impacts associated with dust and particulate matter associated with the construction phase of the development, as well as road traffic emissions associated with the operational phase of the proposed development. The report assesses air quality at 14 No. existing sensitive receptor locations in the vicinity of the proposed development site and 2 No. proposed receptor locations within the development site itself.

The report covers the assessment of the impacts associated with dust and other releases during the construction phase of the development in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction', February 2014. The conclusion of this assessment is that the risk of dust soiling and human health effects will not fall into the negligible category for the assessed activities and mitigation measures will therefore be required to minimise the impacts. It is detailed that a best practice dust mitigation plan will be implemented for the site which can be secured by conditions.

In relation to the operational phase of the development and road traffic the assessment has covered a total of five scenarios comprising the 2017 verification and base year, 2032 opening/future year without development and 2032 opening/future year with development. Two of the scenarios also cover the cumulative impact of this development (up to 985 dwellings) and the subject of application 17/00632/OUT for the proposed development of up to 535 dwellings immediately to the south and the proposed link road (with and without highways mitigation measures). The highways mitigation consists of the widening and realignment of carriageways (and pedestrian routes) of three roundabouts at the B6279 Staindrop Road/B6280 Carmel Road North junction, the B6279 Staindrop Road/A68 Woodland Road junction, and the A68 Woodland Road/Cockerton Green junction, and additional lanes at Blands Corner roundabout. These mitigation measures are intended to mitigate against the junctions exceeding capacity, and are not specifically air quality mitigation measures. The air quality impact of the change in traffic flow due to the signalisation of the three roundabouts is however considered in the assessment.

Looking at the potential worst case scenario (cumulative development impact scenario without highways mitigation) the assessment predicts that annual mean concentrations will not be exceeded for the fourteen existing sensitive receptor locations or for the two proposed sensitive receptor locations considered. Sensitivity/significance analyses have also been included in the assessment (in accordance with Environmental Protection UK and the Institute of Air Quality Management 'Land-Use Planning and Development Control: Planning for Air Quality' guidance, January 2017) and while it is predicted there will be a negligible impact and again no exceedance of relevant air quality objectives for all fourteen existing sensitive receptor locations, three of the existing sensitive receptors are predicted to experience a slight adverse impact. That said the sensitivity analysis predicts no exceedance of the air quality for all future scenarios. The report acknowledges that it is considered to take a conservative approach as it is likely that there will be some improvement in background pollutant concentrations and vehicle emissions by 2032.



In addition to this the report goes on to detail potential mitigation strategies to further reduce any impacts on air quality. This includes examples such as implementing a green travel plan and installing low NOx boilers in proposed dwellings.

Generally, the Environmental Health Officer satisfied with the findings of the air quality assessment.

### **Noise**

The Environmental Statement expands upon the original noise and vibration assessment report submitted with the planning application.

The assessment involved carrying out a number of noise surveys (attended and unattended) to establish the current noise levels in the vicinity of proposed and existing noise sensitive receptors for relevant daytime and nighttime periods. The site is bound by Staindrop Road (B6279) to the north, existing housing on the Mowden Estate to the east, a proposed housing development site for up to 535 No. dwellings to the south (17/00632/OUT) and Coniscliffe Grange Farm and open fields to the west, beyond which lies the A1 (M).

The assessment then goes on to consider noise/vibration as a result of construction works impacting existing receptors close to the proposed development site, as well as the impact of noise on future receptors on the proposed development site from existing noise sources in the area. These existing noise sources include the wind turbine and grain dryer at Coniscliffe Grange Farm, and road traffic noise from the A1 (M) and Staindrop Road. Future road traffic noise (as a result of the proposed development) has also been considered in the assessment in terms of the potential impact on proposed and existing sensitive receptors. In relation to potential noise impacts from activities associated with the proposed school/GP surgery and local store, as well as the proposed sports pitches, the assessment has not covered these in depth as at this stage there is not enough information relating to the future ancillary noise sources (i.e. precise noise sources, opening hours and delivery times etc). The report recognises that while these noise sources are only likely to operate during the daytime period, mitigation (potentially including local screening of noise sources, careful selection of plant, timing of deliveries etc) will need to be incorporated into the design of the proposed mixed-use areas to ensure acceptable noise levels at proposed and existing sensitive receptors. It is acknowledged that further noise assessment work may be required as part of the detailed design stage.

The outline Master plan submitted the layout shows the proposed school, GP surgery, local store and sport pitches on part of the western side of the site which will provide a greater separation distance for some of the proposed dwellings from the noise sources which are located to the west of the site (namely the A1 (M) and Coniscliffe Grange Farm).

The Environmental Health Officer has considered each of the noise sources/aspects of the noise and vibration assessment.

The Assessment into the impact of noise from the construction works acknowledges that the earthworks and construction phase activities have the potential to generate short term increases in noise levels above those recommended in BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise) and it is therefore recommended that mitigation measures are put in place to reduce the scale of potential effects. The suggested mitigation measures include, but are not limited to, screening of noise sources by temporary screen, regular maintenance of plant and machinery, the avoidance of two noisy operations occurring simultaneously in close proximity to the same sensitive receptors and ensuring engines are turned off when possible.

In relation to vibration the assessment highlights that while it is unlikely that vibration due to the operation of construction plant will be above the threshold of complaint and structural damage (BS5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration), piling may be required to be undertaken on the site. However at this time the type(s) of piling is not known and therefore the report details that once the precise details (building locations, ground conditions and type(s) of piling) are confirmed, vibration levels could be estimated and recommendations for control made as appropriate.

Generally, Environmental Health is satisfied with the information in relation to the construction phase and as the construction impacts and vibration/piling matters (including details of any mitigation) will also be covered by planning conditions, it is considered the construction phase does not warrant further consideration at this stage.

In relation to the wind turbine unattended noise monitoring (with audio recording) was undertaken in June 2016 approximately 40m south of the wind turbine. The noise monitoring was supplemented by weather monitoring data (including wind speed and wind direction measurements at 10m above ground, together with rainfall information). It is acknowledged in the report that noise from the wind turbine was audible at at this monitoring location during times of reduced road traffic noise and during periods of higher wind speeds, however from the observations made on site this was not considered to be the dominant noise at that location at any time during the noise survey. Furthermore no specific noise levels for the wind turbine could be obtained from the collected noise data at location as it was inaudible over the residual noise environment, and therefore the assessment has been based on the wind turbine manufacturer's noise data for the specific wind turbine at Coniscliffe Grange Farm (Endurance E-3120). In accordance with the ETSU-R-97 guidance (The assessment and rating of Noise from Wind Farms) the noise limit for wind turbine noise should be limited to 5dB(A) above background for both daytime and nighttime periods (except where background noise levels fall below the daytime and night time lower limits as detailed in the guidance). It goes on to say that in low noise environments the daytime level of the LA90,10min of the wind farm should be limited to an absolute level within the range of 35-40dB(A) and the fixed limit for nighttime is 43dB(A).

The report details that based on the manufacturer's noise data the wind turbine emits the highest sound power levels where wind speeds are at  $11\text{ms}^{-1}$  and predicted calculations indicate that the L90 noise level of the Endurance E-3120 will be 35.4dB(A) at the nearest proposed residential receptor when operating at a wind speed of  $11\text{ms}^{-1}$ .

This noise level is on the threshold of the lower daytime limit (outlined in ETSU for low noise environments) which is considered a good indication that wind turbine noise will have a low impact at nearest proposed residential receptors. In addition the existing noise environment is not considered to be a low noise environment as it dominated largely by road traffic noise from the A1(M) and the surrounding road network and therefore in complying with the lower limit for a low noise environment any impact given a higher noise environment will be even less. In relation to the night time period the limit set in the ETSU-R-97 guidance is higher for the nighttime than for the daytime as it is acknowledged that the nighttime period looks at the impact on people inside dwellings. The limit therefore takes into account the dwellings noise attenuation properties (i.e. reduction through an open window). Given that the assessment has shown the daytime limit will be met and that the existing noise environment is not considered to be low, Environmental Health are satisfied that the wind turbine will achieve the nighttime limit also. Furthermore there are existing properties closer to the wind turbine than those proposed and the wind turbine (12/00021/FUL) is also covered by planning conditions in relation to noise.

An assessment of the noise from the grain dryer at Coniscliffe Grange Farm has been carried out in accordance with 'BS4142: 2014 Methods for rating and assessing industrial and commercial sound' which covers sound from fixed installations which comprise mechanical and electrical plant and equipment. The assessment has focussed on the nighttime period, as background levels are at their lowest and as the grain dryer does operate overnight (when needed), the assessment is considered to be representative of a 'worst case scenario'.

Measurements of noise associated with the grain dryer were taken at two locations with the grain dryer turned on and turned off in order to establish the ambient (totally encompassing) and residual (ambient without the specific sound source) noise levels. This then enabled the specific noise level associated with the grain dryer to be extracted and compared against the background noise level and an assessment of the impact of the grain dryer on the proposed residential receptors carried out.

The BS4142 assessment for noise from the grain dryer concludes that the noise rating level at the nearest proposed receptor is less than the background noise level (by 2db) and is considered a good indication of this noise source having a low impact in accordance with BS4142. The report goes on to consider the BS4142 given the context of the proposed development and again it is concluded that noise from the grain dryer is likely to cause a low impact in the vicinity of the closest proposed receptors and that no specific mitigation is required in relation to this noise source.

Road traffic noise has been considered in the assessment in relation to the impact of existing road traffic on proposed receptors, as well as any impacts due to potential changes in road traffic as a result of the proposed development on existing and proposed sensitive receptors.

The results show that the noise impact at existing sensitive receptor locations due to changes in road traffic will be between negligible and minor adverse (highest traffic mitigation will be approximately 4dB(A) at one of the existing receptor location which is in the minor adverse impact category as detailed in DMRB). At the majority of existing

receptor locations there would be no perceptible increase in the loudness of traffic noise however at receptors closest to Staindrop Road the increase has the potential to be at the threshold of perception but having said that, the report details that this increase is considered highly unlikely to cause a significant noise impact at these existing receptors.

The noise assessment indicates that for the proposed residential areas of the development noise mitigation measures would need to be incorporated into the proposed site design to ensure that the noise levels as detailed in BS8233:2014 and WHO 1999 are achieved within gardens, living rooms and bedrooms. The results indicate that noise levels in outdoor living areas in the northern and western parts of the site (closest to Staindrop Road and the A1 (M)) will not achieve the recommended daytime noise level of 55dB LAeq. However with mitigation in the form of a 20 metre standoff area and the installation of a close boarded fence (at least 1.6 metres in height) the recommended daytime noise level will be achieved in gardens closest to Staindrop Road. It is considered that to achieve this level in garden areas in the western part of the site (nearest the A1 (M)) a close boarded fence of 1.6 metres will need to be installed or alternatively the properties could be orientated with gardens on the screened side of the dwellings.

When looking at achieving recommended daytime noise levels in living rooms the assessment considers that while standard double glazing will be sufficient to ensure internal noise levels are met with windows closed (in properties nearest to off-site noise sources), with windows open the internal noise value (for living rooms – 35dB LAeq, 16hour) would be exceeded. It is therefore detailed that some form of acoustic ventilation should be incorporated into the final design of such properties.

For the night time noise levels within bedrooms (with windows closed) standard thermal double glazing is considered sufficient to ensure the levels are met for bedrooms in the western part of the site (closest to the A1 (M)), however for bedrooms closest to Staindrop Road enhanced acoustic glazing would be required to ensure the recommended noise levels are met (30dB LAeq, 8hour). With windows open the internal noise guideline value is exceeded and therefore some form of acoustic ventilation is required for bedrooms facing both the A1 (M) and Staindrop Road. (There appears to be an error in this section (6.5.33) which refers to living rooms when I think it should be bedrooms).

These points can be dealt with via the impositions of planning conditions.

The submitted report also includes an assessment of the potential impact of road traffic noise on the proposed primary school, local store and GP Surgery. For the proposed primary school the assessment concludes that while noise levels in the vicinity of the proposed school are below the upper limit recommended by 'Building Bulletin 93: Acoustic design of schools – a design guide' (BB93) mitigation is required in order to achieve the recommended noise levels for unoccupied playgrounds (55dB LAeq) and for one outdoor teaching area to achieve levels of no more than 50dB LAeq. It is detailed in the assessment that a close boarded fence of at least 1.6 metres in height should be included between playground areas and the A1 (M) or playground areas could be situated on the screened side of the school building. For the proposed

outdoor teaching area to meet the desired level it is suggested in the report that this area could also be located on eastern part school site or again screened by the school building itself.

In terms of road traffic noise impacting the local store and GP Surgery the assessment concludes that standard thermal double glazing would be sufficient to ensure appropriate internal noise levels are met for proposed sensitive rooms with windows closed. However with windows open recommended noise guideline values in noise sensitive rooms within the surgery would be exceeded and therefore some form of acoustic ventilation would need to be incorporated within those areas. This will be better understood and should be considered in more depth once the final site layout is established.

The report mentions that mitigation measures will be incorporated into the design of the proposed mixed-use areas (assume includes sports pitches too) to ensure that noise is within acceptable levels for proposed and existing sensitive receptors. This can be considered in more depth at the more detailed design stage and can be controlled via the recommendation of planning conditions. Amongst other things the conditions are likely to include imposing restrictions on deliveries and the operation of any plant.

The proposed off site highway measures were tested in a model with results showing an increase in capacity at the junctions yet a reduction in delay. The noise assessment has taken into account the traffic flows/data with the mitigation measures in place and considers proposed and existing sensitive receptor locations and the impacts. Since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) this will likely have positive impacts in relation to noise.

Overall the assessment has shown that the site is suitable for its proposed use but mitigation will be required to minimise the effects of noise. Based on the information submitted while Environmental Health would not object to the application but taking into account the above comments and due to the site layout not being finalised and precise detail on some of the other noise sources not being known at this stage, conditions are being imposed to ensure control over certain elements of the development in relation to noise. The conditions also cover the potential impact of the proposed strategic spine road.

### **Land Contamination**

The Geo-Environmental Report (Phase 1) dated January 2016 looks to assess potential contamination risks associated with the historic use of the site and surrounding area in relation to the proposed future use as residential. The site is currently used for arable agricultural purposes and is surrounded by agricultural land to the south and west and to the north and east by residential areas. A site walkover was undertaken in November 2015.

While no features have been identified on the site itself unspecified tanks, pits and old clay pits were identified within 250m which have the potential to have been infilled. In addition to this a former coal depot, pumping and filtration works and cuttings/railway sidings are considered potential sources of contamination which were also identified within 250m of the site.

The report concludes that it is considered there are no significant risks associated with land quality at the site but that intrusive ground investigation should be undertaken to confirm the ground conditions and collect samples to confirm soil quality, and to test existing topsoil to assess its suitability for reuse within the development.

Environmental Health has recommended the imposition of appropriate planning conditions

### **Impact on the Setting of Heritage Assets**

Paragraph 192 of the National Planning Policy Framework 2018 (the NPPF) states that in determining planning applications local planning authority should take account of, amongst other matters, the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF (para 197) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect 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.

NPPF (para 200) continues that 'local planning authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Policy CS14 of the Core Strategy 2011 is also promotes the need to protect, enhance and promote the character and local distinctiveness of the Borough, including listed buildings and their setting.

Historic England has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

A Heritage Statement has been submitted in support of the planning application which confirms that there are no onsite heritage assets. However, the Statement continues to consider the impact of the development on the setting of assets outside of the site and it concludes that the development would have a neutral impact on them.

Schedule 4 of the EIA Regulations identifies a number of aspects of the environment that should be considered, namely human health, biodiversity, soil, water, air, climate change, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

The Statement sets out that noise, vibration, visual impact, air pollution, dust and dirt, ecological impact and heritage and Conservation Areas are considered to be outside the scope of the Transport Chapter. However it states that increases in traffic flows of less than 10% are accepted within the IEMA Guidance as having negligible impact as

daily variance in traffic flows can be of equal magnitude, unless there is a 'specially sensitive area' within the study area. Examples of 'specially sensitive areas' given within the Guidance include accident blackspots, conservation areas, hospitals and links with high pedestrian flows.

The Statement does not refer to traffic flows through the historic settlement of Cockerton which is a conservation area and therefore a 'specially sensitive area' but since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) it is considered that the conservation area will not be adversely affected. The mitigation works themselves would not harm the significance of any heritage assets in the locality.

The Heritage Report summarises a likely neutral impact on the setting and significance of listed buildings. None of the listed buildings referenced are in, or adjacent to the site boundary, and the Council's Historic Asset Officer agrees with this conclusion.

### **Impact on Trees**

Policy E12 (Trees and Development) of the Local Plan seeks to ensure that new development takes full account of trees and hedgerows on and adjacent to the development site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and to provide their successful retention and protection during development.

No trees on the site or adjacent to the site are covered by Tree Preservation Orders or are within a Conservation Area.

A total of eighteen individual trees, eight groups of trees and seventeen hedgerows were surveyed as part of the Arboricultural Assessment. Tree cover associated with the site included maintained predominantly hawthorn hedgerows within which stood individual ash and English oak. Two tree groups had also established adjacent to Baydale Beck, ash and hawthorn being the principal species within both groups

The majority of the trees and hedges are Category B and C species but there are two Category A trees,

The Assessment advises that the positioning residential parcels within existing field parcels and incorporating existing hedgerows within proposed green space has allowed for the retention of nearly all the existing trees and the majority of hedgerows. The change in land use will require that some sections of hedgerow be removed to create gaps for vehicular and pedestrian links between existing field parcels. This includes two proposed access points off Staindrop Road. Any losses for access points would be kept to a minimum and would avoid higher quality individual trees.

The Reserved Matters applications would consider the relationship between the layout and the retained trees which would need to be protected during the development phase which would be secured by a planning condition as would the need to include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan with any Reserved Matters submissions.

The Assessment concludes In conclusion the proposed development should raise no objection from an arboricultural perspective with the layout having been informed by the existing tree cover allowing for the retention of nearly all individual trees and hedgerows. Where hedgerow loss is necessary to provide links between existing field parcels this loss would be mitigated for through new tree and hedgerow planting which has at this outline stage illustrated that the development will be set to significantly increase tree cover on the site.

It is envisaged that new tree planting will be located along the main avenue and at the entrance gateways to the development. Elsewhere, use of street trees will establish a distinct character for the development. Within the open space larger growing tree species will be used including a higher proportion of native species. A landscaping scheme would be submitted as a future Reserved Matters submission.

As part of the proposed highway mitigation works on the A66 Blands Corner a single Lime tree would need to be removed to allow for the widening of Carmel Road South. Works to widen the carriageway would incur within the root protection areas (RPAs) of further trees along Carmel Road South but the extent by which the road would be widened would not be considered significant and highly unlikely to affect the stability of the trees.

The proposals would not require any trees to be removed from along the A66 but it would require the trimming back of existing trees to allow for the proposed works within the existing grassed verge. Should Highways England require a grass verge to be installed a single row of trees may need to be removed but this would not be significant from an arboricultural perspective nor reduce the landscape and screening value of the wider tree group.

There is also an opportunity to remove a Lime tree on the A66 which is considered unsuitable for retention.

### **Impact on Footpaths and Public Rights of Way**

The applicant has been made aware of recent successful diversion orders relating to Footpath No 5 and Bridleway No 4 (in the Parish of Low Coniscliffe) and the revised routes will be taken into consideration at Reserved Matters stages

The Design and Access Statement in support of the planning application highlights the importance of creating and maintaining a well-connected network of green infrastructure and connectivity to the wider footpath network. It is vital that the existing Public Rights of Way are retained and maintained where appropriate and that there are linkages with the existing urban edge of Darlington. As stated above, the Masterplan shows potential links over the Baydale Beck to the existing dwellings and these links would be the subject of future planning applications.

Suitable access and crossing provisions of the existing Rights of Way will need to be created in appropriate locations which would form part of future Reserved Matters submissions.

The Landscape and Visual Impact Assessment submitted in support of the application concludes that features along the routes such as hedgerows, trees, ditches and



watercourse would largely be retained and whilst the proposed residential development within the site would change the nature of views and result in a loss of open setting the initial effects on Rights of Way within the site range from Moderate/Major or moderate adverse, reducing to Moderate or Minor adverse as tree and shrub planting within the open space and greenway corridors establish.

Longer distance views of the proposed development would also be available a bridleway to the north of Staindrop Road. Such views are seen within the context of Darlington's existing settlement edge. Proposed built development would be filtered by existing field hedgerows and tree belt situated within the intervening landscape. Initial Minor adverse effects would reduce to Negligible as tree and shrub planting within the proposed Green Infrastructure establishes. Negligible effects occur upon the Public Rights of Way and highway network situated within the wider landscape to the west of the A1 (M).

A planning obligation to secure improvements to Public Rights of Way and their future maintenance would form part of the Section 106 Agreement.

### **Ecology**

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

The site comprises five large arable fields, a small area of poor semi-improved grassland, scrub, a pond, mature trees and hedgerows. Adjacent to the site to the east is an area of semi-natural broad-leaved woodland and Baydale Beck.

An Ecological Appraisal advises that the development of the site is not expected to negatively impact on any statutory or non-statutory designated sites located in proximity to the site. The hedgerows and the onsite pond are to be retained as well as measures to avoid adverse effect from development such as buffering and green corridor creation. A generous buffer to the woodland along the eastern boundary is proposed to protect this priority habitat from adverse impacts of the proposed development.

The Appraisal identifies a number of potential ecological enhancements. These include the broadening of species diversity throughout the site through the enhancement of retained hedgerows and creation of new green space. Whilst these will provide inherent enhancements, they will also provide new foraging habitat, corridors of movement and places of rest or shelter for a wide range of faunal species. Further enhancements have also been recommended through the provision of a range of new bird and bat boxes.

A Bird Breeding Survey shows that the site supports a species assemblage consisting in the most part of widespread, common and abundant species associated with arable farmland and woodland edge habitats. Few species were confirmed as breeding on

site, and no significant populations of any notable species were recorded. The Survey concludes that the proposed green infrastructure on site, involving the retention, buffering and creation of new habitats (including enhancements) will offer a wider range of suitable nesting and foraging habitats for the majority of birds currently present on site, as well as other species not yet recorded. The Survey outlines mitigation measures and recommendations which can be secured by a planning condition.

A Winter Bird Report concludes that the proposed development is expected to have negligible residual impacts on half of the 'most vulnerable' species recorded on site with the proposals continuing to provide suitable habitat for these species, or which were otherwise recorded in low numbers and/or are likely to continue to make use of similar habitats in the surrounding landscape. The proposed Green Infrastructure aims to retain the existing wood in the southern extent, boundary hedgerows, trees and scrub, and to create new habitats including further woodland planting, waterbodies and green corridors throughout the site. The retention of existing vegetation and provision of these new areas will provide some compensation for the loss of suitable roosting, loafing and foraging habitats for many of the recorded species. The GI will increase the degree of usable habitat across the site for a number of woodland edge species, and provide corridors of movement across the site. Other than in the short term, i.e. during the construction phase, the proposals are expected to have a positive residual impact on the common and widespread (arguably vulnerable) urban edge species.

A Bat Report advises that no statutory or non-statutory sites designated for their bat interest were identified within the application site or within a significant zone of influence surrounding the application site. There are some trees on site that have the potential for bat roosts and during the detailed design phase measures to avoid potential indirect impacts to roosting bats should be explored. If this is found not to be feasible then further surveys should be undertaken to identify the likely impacts and inform appropriate mitigation.

Bat activity within the application site (and surrounding habitat) is consistent with the urban edge/ intensively farmed habitat. The species assemblage recorded comprised common and widespread species which were typical of the sites geographic location. The recorded level of activity does not suggest that the application site forms a particularly important resource for the species recorded at any more than a site level.

The Reports concludes that overall the scheme broadly retains the features of most note, however, several habitat features of value at a site level will be degraded as a result of the proposals. This degradation will, however, be compensated for with the provision of sensitive development and substantial new greenspace. As such, it is considered that the overall scheme will not result in any significant net loss of habitat value to bat populations. Recommendations have been made for a range of measures that could be implemented as part of the scheme which would provide additional value to bats and these can be secured by a planning condition

A Great Crested Newt Survey Report involved surveying one onsite pond and five offsite ponds located within 500m of the site boundary to determine whether great crested newt are present and/or breeding in the ponds and so would be utilising terrestrial habitat of the site.

Great crested newt were found to be present within four of the ponds with a peak adult count of 3 recorded in the onsite pond indicating a small sized population. A medium sized meta-population was recorded within three ponds located within Broken Scar LWS 480m to the south-east. Mitigation is required to prevent negative impacts on this protected species and would involve creation of a receptor area around the onsite pond and the trapping and translocation of great crested newt from suitable habitats that are to be lost, into the receptor area. All great crested newt mitigation will require a licence from Natural England in order to proceed lawfully which can only be applied for once full planning permission has been granted.

The Survey concludes that the receptor area will expand on the available habitat that is currently present and include log piles and hibernacula that will provide additional habitat for great crested newt. Newly created hedgerows and the proposed retention of open space along the hedgerow network and Baydale Beck will allow the site to continue to provide habitat and connectivity post-development. Recommendations have been made for a range of measures that could be implemented as part of the scheme and these can be secured by a planning condition

The Council's Senior Ecology and Landscape Officer has recommended that the as well as securing the recommendations listed in the supporting Reports, further ecological enhancements should be considered when finalising the layouts of the application. As a result, it is considered appropriate to impose an overarching planning condition that requests the submission of an Ecological Masterplan for each phase of development.

When considering the planning application, the Environment Agency has requested the imposition of ecology related planning conditions.

### **Affordable Housing**

Under the provisions of CS4 of the Core Strategy and the Planning Obligations Supplementary Planning Document (SPD), 20% of the overall development should include affordable units. A planning condition has been imposed to secure the number of units in accordance with Council policy.

### **Sport Provision**

The occupiers of the new development will generate demand for sport provision and facilities and if this demand is not met then it may place additional pressure on existing sports facilities creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the new development meets any new sports facility needs arising as a result of the development.

The application to develop land to the south of Staindrop Road (ref no: 17/00636/OUTE) includes two playing fields. One would be associated with the proposed school and one would be freestanding community facility. It would be the intention to have the field associated with the school constructed and managed so as to allow for community use so they can be counted as community sport provision. These two areas, together, would met the playing pitch requirements for both sites, as required

by the Council's SPD on Planning Obligations. On this basis, Sport England support the proposed development.

The playing fields shall be maintained and managed through a private management company which would be secured by a Section 106 Agreement

### **School Places**

Due to lower birth rate in recent years and the ONS lowering their future birth projections nationally (2018) the latest pupil projections from Tees Valley Combined Authority project more surplus capacity in nearby schools than previously anticipated. The Council's Assets & Place Planning Manager when considering the Masterplan has advised that land is reserved for a 1.83ha site sufficient for a 420 place school and 52 place nursery for a time period of ten years which would be secured by a planning condition. The requirement of the land to be retained for a school needs to be reviewed at two agreed points during construction. For instance five years after start (2025) and ten years after start (2030) or after 50% or 75% of completions. The land has been set aside as part of this development site and the developers for adjacent site (ref no: 17/00632/OUTE) would contribute to the developers of this site for their proportional share off the value of the safeguarded land.

Capacity within a secondary school in the North West of Darlington is over the 5% criteria as stated within the Council's SPD on Planning Obligations and there is no requirements for a Section 106 contribution towards any existing secondary schools or to include a new one within the site.

### **Developer Contributions**

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Heads of Terms that have been agreed with the applicant are:

- A Bus subsidy
- Public Rights of Way Improvements and Maintenance
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- Management Programme for open space and play areas

Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

### **Delivery**

One of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. The IPPS states that if an outline application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters.

### **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 law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2018) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

Darlington Borough Council can demonstrate a five year supply of housing land and therefore relevant policies for the supply of housing should be considered up to date and the titled balance in para 11 of the NPPF (2019) is not engaged.

The application site is located beyond the development limits of the main urban area and therefore the proposal would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington’s Sub-Regional Role and Locational Strategy) of the Core Strategy (2011). However although the application is contrary to policy E2 there are other material considerations which should be considered in the planning balance in accordance with S.38 (6) of the Planning and Compulsory Purchase Act 2004.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. The Strategic Housing Market Assessment which was published in Oct 2017 indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This work, which should be considered as a material consideration. This housing requirement is significantly higher than the Government’s local housing need figure for Darlington and the Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. Whilst the emerging Local Plan can only be afforded limited weight at this stage in its preparation and the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted and the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) is currently being examined by an independent examiner and therefore it is considered that limited weighting should be given to the policies within the Neighbourhood Plan.

Despite the conflict with policy E2 and CS1, when considered in the context of the emerging Local Plan and five year supply, the principle of residential development on this site is considered to be acceptable in general planning policy terms.

An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations.

This outline planning application is based upon a Masterplan that includes this site and land to the south which is the subject of a separate planning application (ref no: 17/00632/OUTE).

The planning applications have been considered both individually but also cumulatively in terms of their location and connectivity with the western edge of the urban area and their impact on matters such as residential amenity, flood risk, ecology, trees, noise, air quality, Public Rights of Way and the local and strategic highway network.

It is considered that with the imposition of appropriate planning conditions and the offsite highway mitigation measures that have been agreed with the Council and Highways England the planning application site and also the adjacent site to the north can be redeveloped for purposes within this planning application (and the associated dwellings in the 17/00632/OUTE proposal) without causing significant harm to the surrounding area, local residents and the highway networks.

The planning application is being recommended for approval subject to a Section 106 Agreement and planning conditions.

#### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF THE REFERRAL PROCEDURES TO THE SECRETARY OF STATE AND THE COMPLETION OF 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:**

- A Bus subsidy
- Public Rights of Way Improvements and Maintenance
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- Management Programme for open space and play areas

**AND THE FOLLOWING PLANNING CONDITIONS:**

**GENERAL**

1. Details of the appearance, landscaping, layout, and scale of any development within each phase of the development hereby permitted (hereinafter called “the reserved matters”) for each phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.  
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990
2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.  
REASON: In the interests of achieving an improved rate of housing delivery in the Borough
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.  
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990

**APPROVED PLANS**

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - a) Drawing Number 7055 –L- 100 - Location Plan
  - b) Drawing Number p16033-002A – Proposed Access Arrangement

REASON: For the avoidance of doubt

5. The application(s) made pursuant to condition 1 shall not propose more than 985 dwellings, and a local centre  
REASON: For the avoidance of doubt

### **MASTERPLAN**

6. The detailed matters to be covered in the Reserved Matters, the proposed development shall be carried out in broad accordance with the Indicative Development Framework plan (Drawing Number 7055-SK-01\_N) contained in the application and the plans submitted therewith and approved by the Local Planning Authority or as shall have been otherwise agreed in writing by the Local Planning Authority

REASON: In order to achieve a satisfactory form of development

### **PHASING PLAN**

7. Notwithstanding the information submitted with the planning application, no development (except for site preparation works and the formation of a site compound) shall take place until a scheme of phasing for the dwellings, highways, and Drainage infrastructure and associated open space/green infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out broadly in accordance with the approved details.

REASON: To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good planning.

### **MATERIALS**

8. No dwellings hereby approved within each phase of the development 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 in that phase 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 the visual amenity

### **AFFORDABLE HOUSING**

9. Prior to the occupation of any unit within the development as a whole or within each phase, a scheme for the provision of affordable housing shall be 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 – 50% intermediate housing and 50% social housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase 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 showing the location of the affordable housing units;
- 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; and
- 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.

Unless otherwise agreed by the Local Planning Authority  
REASON: To comply with Council Housing Policy.

### **FLOOD RISK, DRAINAGE AND ECOLOGY**

10. The development hereby approved shall not be carried out otherwise than in broad accordance with the drainage scheme contained within the Flood Risk Assessment (FRA) SHF.1132.050.HY.R.01.B dated September 2017 and "Foul Drainage Analysis". The drainage scheme shall ensure that foul flows discharge to the existing foul sewer at or downstream of manhole 4502 and ensure that surface water discharges to two new outfalls to the Baydale Beck.  
REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2019.
11. The development hereby approved shall not be commence 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;
  - 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; and
  - e) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The development 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.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)

SHF.1132.050.HY.R.01.B dated September 2017 and the following mitigation measures detailed within the FRA:

- a) A surface water management strategy for the development will be required to manage and reduce the flood risk posed by runoff from the site. The developer will be required to ensure that any scheme for surface water should build in sufficient capacity for the entire site.
- b) Surface water discharge rates from the site must be restricted to existing  $Q_{bar}$  rates for all storm events

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.

13. No buildings / 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

14. The development hereby approved shall not be carried out otherwise than in accordance with the approved Flood Risk Assessment (FRA) Enzygo ref SHF: 1132.056.HY.R.0.1.B and the following mitigation measures detailed within the FRA:

- a) Limiting the development outside of the 8 metre distance of the Main Rivers within the vicinity

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 with the Local Planning Authority

REASON: To ensure future access to the Main River for maintenance purposes

15. No development shall take place until a scheme for the provision and management of a 10m wide buffer zone alongside the watercourse and proposed ponds/drainage basins shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and could form a vital part of the green infrastructure provision. The schemes shall include:

- a. Plans showing the extent and layout of the buffer zone;
- b. Details of any proposed planting scheme;
- c. Details demonstrating how the buffer zone will be protected during the development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- d. Details of any proposed footpaths, lighting, fencing etc

REASON: Development that encroaches on watercourses and other water features has a potentially severe impact on their ecological value. In particular the increased footfall from the large number of planned new residents and required lighting will impact on the foraging and migration and may increase predation on fish, bats, birds, water vole and great crested newts which have been confirmed as being likely to impacted upon by the development. The condition is supported by the National Planning Policy Framework

16. Prior to the occupation of the first dwelling a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) The detail, extent and type of new planting;
- b) Details of management regimes including how current hedgerows can be gap filled or laid to improve composition and value;
- c) Details of any new habitat created on site including new drainage basins, habitat piles and great crested newt hibernacula;
- d) Details of treatments of site boundaries and/or buffers around water bodies;
- e) Details of management responsibilities

REASON: To ensure the protection of wildlife and supporting habitats and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework

17. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of great crested newts, water vole, birds and bats, protected species under The Wildlife and Countryside Act 1981 as amended/Habitats Directive Annex II, and their associated habitat during construction works and once the development is complete has been submitted to and agreed in writing by the Local Planning Authority. Any revisions to operational, including management responsibilities shall be submitted to and agreed in writing by the Local Planning Authority. The protection plan shall be carried out in complete accordance with a timetable for implementation as approved. The scheme shall include the following elements:

- a) Bat roost features should be installed in the woodland and integrated into appropriate buildings in suitable locations following guidance such as the “Designing for Biodiversity: A technical guide for new and existing Buildings” to ensure it will be effective.
- b) New drainage basins should be designed with the dual purpose of providing habitat with an appropriate buffer of 10 metre minimum provided to ensure disturbance is kept to a minimum
- c) Habitat continuity must be maintained across the site through the use of new buffer strip planting in the form of hedgerows, trees or scrub to provide foraging

REASON: The development is likely to increase disturbance to great crested newts, water voles, bats and birds using the site and disrupt current foraging behaviour as recognised by the submitted Ecological Report. Ensuring appropriate mitigation is implemented and current habitat improved will ensure that habitats are not negatively impacted and the development will have a positive effect on local biodiversity

18. No development shall take place until the construction and management plans of the existing ponds and drainage basins are constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the proposed and existing ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework

19. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.

REASON: In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

20. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled “Great Crested Newt Survey Report - Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the biodiversity of the site and the surrounding area

21. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled “Ecological Appraisal - Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the biodiversity of the site and the surrounding area

22. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled “Breeding Bird Survey Report- Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
23. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled “Bat Report- Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
24. Any Reserved Matters applications for a phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include, but not restricted to, details of ecological enhancements and the integration of the recommendations made in the supporting ecological documents in conjunction with the local planning authority. Each phase of the development thereafter should only be carried out in accordance with the approved details.  
REASON: In the interests of promoting the biodiversity of the site

## **HIGHWAYS**

25. Prior to 1st occupation of the development a detailed scheme for the off-site highway improvement works at Bland’s Corner shown indicatively on drawing 14011/GA/05 rev D shall be submitted to and approved in writing by the local planning authority and Highways England.  
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
26. Prior to the occupation of the 195th dwelling, the off-site highway improvement works referred to in condition 25 shall be completed in accordance with such details as approved.  
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
27. Prior to the commencement of each phase of the development, precise details of the internal highways layout, the proposed link road within the development including links to the surrounding cycling/pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to achieve a satisfactory form of development in the interests of safety to pedestrians, cyclists and road users
28. No development shall be carried out on each phase of development until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway

proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety

29. Prior to the commencement of each phase of the development, 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 achieving a satisfactory form of development

30. No more than 300 dwellings shall be occupied under this permission until the link road within the development has been constructed to the boundary of the site and brought into use.

REASON: In the interests of highway safety

31. A Road Safety Audit for each phase of development 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 interests of highway safety

## **NOISE**

32. Prior to the commencement of each phase of the development, a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise (from the A1(M), Staindrop Road and the new strategic spine road) and noise from the Baydale Beck public house, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:

Internal noise levels for bedrooms (with windows closed) shall not exceed 30dB LAeq(8 hour)\* and 45dB LAFmax

Internal noise levels for living rooms (with windows closed) shall not exceed 35dB LAeq(16 hour)\*

External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)\* unless otherwise agreed in writing with the Local Planning Authority

\*LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00)

- b) The detailed scheme of noise mitigation shall include the following:

Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.

The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.

A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.

c) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts from a particular source(s) will arise for the particular phase of the development.

The development of the phases(s) to which the noise impact assessment and scheme of noise mitigation relates shall not be carried out other than in complete accordance with the details so approved and thereafter shall be retained and maintained for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON: In order to achieve a satisfactory form of development in the interests of safeguarding the amenity of the local area and the future occupants of the development

#### **NOISE FROM SCHOOL DEVELOPMENT**

33. Prior to the commencement of the school development, a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the layout, orientation and design of the school development and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed sound insulation and mitigation in respect of:

Protecting external areas of the school from excessive road traffic noise (having regard to Building Bulletin 93 (2003))

The impact of noise on the proposed residential development(s) from external plant, machinery and equipment associated with the school development. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously, shall not exceed the daytime and night time background noise level at any residential property when measured and assessed in accordance with BS4142:2014 unless otherwise agreed in writing by the Local Planning Authority

The background noise level to be used in the BS4142 Assessment and noise sensitive receptors shall be agreed in writing with the Local Planning Authority.

Minimising the impact of noise on the proposed residential development(s) from the use of music rooms, halls or equivalent noise generating facilities associated with the school development.

Minimising the impact of noise from playgrounds, playing fields and/or sports pitches (having regard to intended frequency and pattern of usage).

The approved details, findings and noise mitigation measures shall be implemented prior to the occupation of the school development/prior to the plant, machinery or equipment first becoming operational and thereafter shall be retained and maintained for the duration of the development.

REASON: In the interests of the amenities of the future occupants of the development

## **SPORTS PITCHES**

34. Prior to the commencement of the development of any sports pitch(es), a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the pitch(es) and the scope of the assessment and criteria/noise levels to be met shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed mitigation in respect of:

Minimising the impact of noise on the proposed residential development(s) and shall include intended hours of use (to be agreed) and details (height, density), design and location of any acoustic barrier(s) to be installed, as well as details of any other mitigation.

The approved details, findings and noise mitigation measures shall be implemented prior to first use of any sports pitch(es) and thereafter shall be retained and maintained for the duration of the development.

REASON: In the interests of the amenities of the future occupants of the development

35. No means of amplification of sound shall be permitted relating to the sports pitch(es) including the use of loud speakers and public announcement systems without the prior written approval of the Local Planning Authority.

REASON: In the interests of the amenities of the future occupants of the development

## **COMMUNITY USES AGREEMENT**

36. Prior to the first use of any sports pitches to be available for Community use by users and school users(if required), a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to



the pitches and include details of pricing policy, hours of use, access by users and non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England consider necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.

REASON: To ensure the pitches are publicly available for use and to also safeguard the amenities of the future occupants of the development

## **RETAIL UNITS**

37. The commercial retail unit shall not be first occupied until details of any extract ventilation and fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment, to be installed and used has been submitted to and approved in writing by the Local Planning Authority and installed before the development hereby permitted commences. The ventilation and extraction system shall be retained, operated and maintained in accordance with the manufacturers' recommendations including the replacement of any filters.

REASON: In the interests of the general amenity of the local area

38. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously shall not exceed the day time and night time background noise level at the nearest noise sensitive dwelling, when measured and assessed in accordance with BS4142:2014. The background noise level to be used shall be agreed in writing with the Local Planning Authority and the assessment shall be conducted by a suitably qualified noise consultant.

REASON: In the interests of general amenity of the local area

39. Any subsequent planning application for the erection of the retail unit shall include details of the hours of opening and deliveries

REASON: In the interests of general amenity of the local area

## **LIGHTING**

40. A full lighting impact assessment relating to any proposed external lighting associated with any subsequent planning applications for the school development, sports pitch(es), local store, GP surgery and play areas (including car parking areas) undertaken by an independent qualified assessor, shall take place and be agreed in writing with the Local Planning Authority prior to installation. This should include:

- a. Times of operation of the proposed lighting units.
- b. A description of the proposed lighting units including height, type, angling and power output for all lighting.
- c. Drawing(s)/contour plans showing the luminance levels (both horizontal and vertical) of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.
- d. The Environmental Zone which the site falls within, in accordance with the

- e. Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- f. Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- g. The limits for the relevant Environmental Zone relating to Sky Glow Upward
- h. Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the
- i. Institute of Lighting Professionals Guidance on the Reduction of Obtrusive
- j. Light shall not be exceeded.

REASON: In the interest of the visual appearance and amenity of the proposed development and to protect the amenities of the future occupiers of the development

#### **CONSTRUCTION MANAGEMENT PLAN**

41. Prior to the commencement of each phase 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. 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.
  - b. Construction Traffic Routes, including parking areas for staff and visitors.
  - c. Details of wheel washing.
  - d. Road Maintenance.
  - e. Warning signage.

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

REASON: In the interests of amenity and highway safety

#### **AMENITY**

42. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and 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 permission from the Local Planning Authority.

REASON: In the interests of the amenity of the local area

43. For each phase of the development, if piled foundations are proposed, 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 to 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 interests of the amenity of the local area

#### **CONTAMINATED LAND**

44. Prior to the commencement of each phase of the development 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 and assess pollutant linkages. 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. 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.

45. Prior to the commencement of each phase of the development 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. 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.

46. Prior to the commencement of each phase of the development 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 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.

47. 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

48. 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 and 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.

## **LAYOUT**

49. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site and details of the play equipment that would be provided within the areas. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the character and appearance of the proposed development

50. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the character and appearance of the proposed development

## **TREES**

51. The details to be submitted in pursuance of Condition 1 shall include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan for the whole development or each phase. The submitted details for the Tree Protection Plan shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

REASON: In the interests of the visual appearance of the site and surrounding area

52. The development hereby approved shall be carried out in accordance with the document entitled "Blands Corner Highway Improvements, Darlington - Arboricultural Assessment" dated January 2019 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority. However, notwithstanding the findings of the document, an Arboricultural Method Statement and a Tree Protection Plan for the proposed highway improvement works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details for the Tree Protection Plan shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

REASON: In the interests of the visual appearance of the site and surrounding area

#### **TRAVEL PLAN**

53. Prior to the occupation of the first dwelling within the development as a whole or in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan  
REASON: In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012

#### **EDUCATION**

54. The land allocated for education purposes (1.83 hectares) and the associated playing fields as shown on the Indicative Development Framework plan (Drawing Number 7055-SK-01\_N) shall be retained for such purposes for a time period of ten years from the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

## **PLAYING FIELDS**

55. Prior to the commencement of the playing fields, precise construction details of the playing fields, including drainage shall be submitted to and agreed in writing with 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 ensure that the playing fields are constructed to an acceptable standard with appropriate facilities

**SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT THE 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 the impact of the development upon the strategic road network, connectivity with the existing urban area, sustainable transport improvements including a bus subsidy, cycle route enhancements, travel plan measures and for improvements and maintenance of Public Rights of Way and the maintenance and management of areas of public open space, play areas and school fields in order to mitigate the impact of the proposed development and to make the proposal an acceptable form of development.

## **INFORMATIVES HIGHWAYS**

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

The applicant is advised that the implementation of a new 20mph speed limit on the internal site will be required and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

An appropriate street lighting scheme and design to cover the new internal highways and proposed amendments to the existing arrangements 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.

Prior to the commencement of the development 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

### **ENVIRONMENT AGENCY**

Further general advice to the applicant can be found on the response from the Environment Agency (ref no: NA/2017/113732/01-L01) dated 15 August 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://www.darlington.gov.uk))

### **LEAD LOCAL FLOOD AUTHORITY**

Further general advice to the applicant can be found on the response from the Lead Local Flood Authority - Stockton Borough Council dated 5 October 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://www.darlington.gov.uk))

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

#### **Saved Borough of Darlington Local Plan 1997**

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

#### **Darlington Core Strategy Development Plan Document 2011**

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)  
CS2 Achieving High Quality, Sustainable Design  
CS3 Promoting Renewable Energy  
CS4 Developer Contributions  
CS10 New Housing Development (parts out of date)  
CS11 Meeting Housing Needs  
CS14 Promoting Local Character and Distinctiveness  
CS15 Protecting and Enhancing Biodiversity and Geodiversity  
CS16 Protecting Environmental Resources, Human Health and Safety  
CS17 Delivering a Multifunctional Green Infrastructure Network  
CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

#### **Tees Valley Minerals Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

#### **National Planning Policy Framework 2019**

#### **Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)**

LCM 1: Landscape



LCM 2: Tranquillity

LCM 3: Green Infrastructure

LCM 5: Biodiversity

LCM 6: Wildlife Corridors

LCM 8: Design

LCM 11: General location of new development (Settlement Boundaries)

LCM 18: Transport and New Developments

LCM 19: Public Rights of Way

**Other Documents**

Planning Obligations SPD 2013

Design of New Development SPD 2011

Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft  
(Sept 2018)

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**DARLINGTON BOROUGH COUNCIL****PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 5<sup>th</sup> June 2019**

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<b>APPLICATION REF. NO:</b>	16/00976/OUT
<b>STATUTORY DECISION DATE:</b>	13 <sup>th</sup> December 2016
<b>WARD/PARISH:</b>	SADBERGE AND MIDDLETON ST GEORGE
<b>LOCATION:</b>	Land to the west and south of Station Road, Middleton St George Darlington
<b>DESCRIPTION:</b>	Outline application for the demolition of existing buildings and the erection of up to 260 residential dwellings (Use Class C3) and associated access, landscaping and engineering works with details of appearance, layout, landscape and scale reserved (Amended plans received 1 <sup>st</sup> February 2019) (Additional information received 1 <sup>st</sup> February 2019)
<b>APPLICANT:</b>	STORY HOMES LIMITED

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**APPLICATION AND SITE DESCRIPTION**

The application site, which extends to some 14 hectares in size, is situated to the south and west of Station Road, to the north of Middleton St George, and consists of agricultural fields bound by a number of trees and hedgerows which divide the site and create screening along parts of the site boundary.

The site is crossed by a tributary of the River Tees and flows south west into the River Tees approximately 3 miles downstream.

On the northern part of the site there are currently a number of farm buildings with vehicular access to the farm from the north of the site from Station Road. There are also two Public Rights of Way from Station Road to the east of the site to two points on the southern boundary of the site.

To the north and east of the proposed development site are residential properties on and beyond Station Road. The south of the site is bound by the Middleton St George Water Park (balancing ponds) and to the west of the site there is agricultural land.

Middleton St George village centre sites approximately 0.5km from the site offering a range of shops and services including a hair salon, takeaway, restaurant, news agent and post office.

There are bus stops located on Station Road to the north and east of the site access on both sides of the carriageway. The existing bus stops are located within a 400m walking distance from the centre of the site. Dinsdale Railway Station is located 0.6km from the site. These provide regular public transport services to Darlington, Newcastle and surrounding areas. The site is within 2km of retail offer at Morton Park that includes a Morrison's supermarket, hair salon, travel agent, news agent, dry cleaners, B&Q store, fast food, soft play, cafes and restaurants.

Planning permission is sought for the development of the site for up to 260 residential dwellings with associated landscaping and infrastructure. The application is submitted in outline with all matters reserved except for access. Details of appearance, layout, scale and landscaping would be agreed through a future reserved matters application.

Vehicular access would be taken from Station Road to the north with a proposed pedestrian access also from Station Road, to the east.

An indicative masterplan is included within the application to demonstrate how the proposed development could be accommodated on the site, and the plan includes the following principles:

- The provision of a range of house types within the development which will likely include a range of 2, 3, 4 and 5 bedroom properties across a range of densities including the potential for bungalows on the eastern part of the site;
- Dwellings in keeping with the character of the surrounding area including the use of materials predominant in the area;
- Accommodating Public Rights of Way within the site through proposed diversions;
- New vehicular access to the northern boundary of the site and footpath access/emergency vehicle access to the east of the site;
- Areas of public open space, the retention and enhancement of existing hedgerows and the inclusion of landscape buffers subject to details to be provided at reserved matters stage;
- SuDs basins managed to promote species rich marginal / wet grassland habitats;
- A comprehensive landscaping scheme to enhance the appearance of the site and the surrounding area and to enhance the ecological value of the site;

**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.

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

## **PLANNING HISTORY**

There is no planning history on this site that is relevant to this planning application.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A total of 10 letters of objection have been received from local residents as a result of the consultation exercise undertaken, raising the following concerns:

- *Houses will overlook existing bungalows on Palm Tree Villas; How will we get more information regarding proximity of houses to existing housing;*
- *The proposed house will be in full view at the rear / side of our property on Cedarwood and the design and dimensions are not compatible to the existing properties;*
- *Necessary tree maintenance / removal will affect wildlife and impact on neighbours privacy;*
- *Open space will encourage teenagers to hang about;*
- *Already have a 200 plus housing estate being built in the village very close to this area – we should now leave the village alone and build more houses in another location and wait a few more years to see how the village copes; Village close to saturation point;*
- *The submitted surveys consider all the impact on this particular case and are not based on the total impact on services / infrastructure issues that all the individual developments will cause;*
- *Developers should be made to provide funds for new roads and services before moving on and leaving the village network with a high volume of congestion and leaving DBC with costs and issues to resolve caused by this;*
- *What once was a village is now already classed as a small town;*
- *We already find it difficult to park;*
- *Traffic along Station Road has increased significantly over the past couple of years and with yet more developments the traffic is going to increase;*
- *Traffic lights would need to be put in joining Yarm / Darlington Road as already dangerous;*
- *There needs to be speed restrictions put in place for existing traffic as cars speed around the bend in the road on the corner; There have been accidents with cars losing control and damaging walls to the houses opposite; There needs to be a system of give way islands put in to slow the traffic down;*
- *Will this affect parking for those living along Station Road?*
- *The planners put forward the village shops as an advantage to the new development, however parking is next to non-existent outside the shops – what is going to happen when there are hundreds more vehicles to contend with?*

- *Nearly all the green spaces throughout the village have been taken up with development leaving very few of the original public footpaths across open spaces;*
- *Developers should be made to look at brownfield sites in and around Darlington before taking more of our ever decreasing countryside;*
- *Most people drop their children off at school using cars and most people with cars will also use them to collect shopping rather than walk carrying heavy bags;*
- *Sewerage systems already get blocked up;*
- *Further expansion will erode the heart and community spirit of the village;*

One letter of support has been received, stating the following:

- *The site is positioned to not affect the village as much during the building stages;*
- *New houses to accommodate people have to come from somewhere.*

**Middleton St George Parish Council** has objected to the proposed development on the following grounds:

- *There is only one access / egress to the development, which is the road coming into the village from the A67, currently a 40mph zone; There are regular incidences of drivers exceeding the speed limit;*
- *The development is likely to generate in excess of 500 vehicles; Station Road and Middleton Lane will not be able to take all those vehicles (which would be in addition to the estimated 500 from the Sadberge Road site (already approved) and the High Stell / Grendon Gardens site (already approved));*
- *The corner at Platform 1 is a blind corner from both sides;*
- *Flooding on the site is major issue; Building over the stream would constitute another flooding risk; We would not want to see the beck affected; Even with the proposed SuDs and surface water attenuation, the Parish Council does not see that the proposals to deal with such risks would be sufficient;*
- *The Roman Road (Cades Road) runs through this proposed development site, and has been highlighted by the Archaeology report; This should not be developed over;*
- *Two existing Public Rights of Way run from Station Road diagonally across the site; The proposed development shows that these would be altered; The Parish Council is opposed to any diversion or extinguishment of these Public Rights of Way; Diversion / Extinguishment Orders must be drawn up and put out to public consultation for the required period.*

The **Campaign to Protect Rural England** has objected to the application on the following grounds:

- *The application is premature as the Local Plan has not yet been tested at Examination;*
- *Given the significant five year housing land supply provision, granting planning permission for this proposal on the basis that it is in accordance with an untested emerging local plan that is subject to unresolved objections relating both to this*

*particular site, and to the provisionally assessed housing need in Darlington, would undermine the planning process.*

**Friends of Darlington and Stockton Railway** has made the following comments:

- *The developer should be requested to contribute towards the enhancement of the nearby former Stockton and Darlington Railway, currently in use as a footpath and part of the National Cycle Route 14;*
- *The emerging Local Plan proposes to allocate this site (Maxgate Farm site 99) for development. We are pleased to note that Appendix B, Housing allocation Statements, page 135, states, in accordance with policy ENV2 of the plan: 'There is a non-designated public house related to the Stockton and Darlington Railway located adjacent to the site on the corner of Station Road and Sadberge Road. Any development scheme should look to incorporate interpretation of the historic route';*
- *Story Homes already has a commitment, through a condition to the permission, to provide interpretation of the S&DR adjoining its development at Fighting Cocks at Sadberge Road. The Friends have an agreement with Story Homes to incorporate this in the repair of the derelict former station Waiting Shed, for which funding is being sought by the Friends;*
- *Recently the Friends had discussions with members and officers of the Borough Council regarding proposals for the Waiting Shed and to investigate other railway heritage enhancement measures at Fighting Cocks;*
- *If planning permission is granted, a condition should be attached requiring an appropriate contribution to be made.*

The Councils **Environmental Health Officer** has raised no objections to the proposed development subject to planning conditions requiring submission, agreement and compliance with a Construction Management Plan, noise mitigation measures and contaminated land.

The **Local Lead Flood Authority** has raised no objections to the proposed development subject to planning conditions requiring submission, agreement with a full flood risk assessment to be submitted at Reserved Matters stage and a scheme of Surface Water Drainage and management, and that the development is carried out in accordance with the submitted Flood Risk Assessment and Scheme of surface water drainage and management. Also recommended is a condition requiring full details of the proposed bridging structures crossing the existing watercourse, together with details of long term amangement, and compliance with the submitted drainage strategy.

The **Environment Agency** has raised no objections to the proposed development subject to the development being carried out in accordance with the principles of the submitted Flood Risk assessment and associated mitigation measures, which can be secured by planning condition.

**Northumbrian Water** has raised no objections to the proposed development subject to the development being implemented in line with the principles of the submitted Flood Risk Assessment and Drainage Strategy, which can be secured by planning condition.

The **Historic Assets Officer** has confirmed that, although the site does not adjoin the route of the Stockton & Darlington Railway, it is in close proximity to the track bed and one of the Railway Taverns, originally the Fighting Cock – which is a non-designated heritage asset within the Stockton & Darlington Railway Heritage Action Zone. The site lies within the buffer and therefore within the HAZ. A financial contribution towards interpretation of the S&DR is requested.

The Council's **Public Rights of Way Officer** has raised no objections to the proposed further to amendments to the indicatively proposed treatment of the Public Rights Of Way (PROW).

**Highways England** has raised no objections to the proposed development subject to S106 contributions towards the Strategic Road Network relating to Little Burdon and Morton Palms Roundabouts.

The Council's **Highways Officer** has raised no objections to the proposed development subject to planning conditions to secure submission and agreement of, and compliance with a Construction Management Plan, together with a planning condition to secure submission and agreement of details of works within the public highway, internal highways layout, a Road Safety Audit and Vehicle Swept Path Analysis.

The Council's **Transport Policy Officer** has raised no objections subject to a travel plan, a sustainable and public transport contribution to improve Service 12 frequency / availability and a planning condition requiring submission and agreement of secure cycle parking for each dwelling.

The **County Archaeologist** has been consulted and had requested further pre-determination trial trenching, although subsequently has agreed to post determination work subject to planning conditions, due to land access constraints.

The **Police Architectural Liaison Officer** has provided advice on the principles of designing out crime, which would be taken into account in a detailed reserved matters submission. The crime risk assessment for this development (based on recorded incidents in the surrounding area) is considered to be low.

## **PLANNING POLICY BACKGROUND**

### **National Planning Policy Framework 2019 (NPPF)**

### **Borough of Darlington Local Plan 1997**

E2 – Development Limits

E12 – Trees and Development

H7 – Areas of Housing Development Restraint

### **Darlington Core Strategy Development Plan Document 2011**

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



CS2 – Achieving High Quality, Sustainable Design  
CS3 – Promoting Renewable Energy  
CS4 – Developer Contributions  
CS10 – New Housing Development  
CS11 – Meeting Housing Need  
CS14 – Promoting Local Character and Distinctiveness  
CS15 – Protecting and Enhancing Biodiversity and Geodiversity  
CS16 – Protecting Environmental Resources, Human Health and Safety  
CS17 – Delivering a Multifunctional Green Infrastructure Network  
CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

## **Tees Valley Minerals and Waste Development Plan Document**

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

### **Other Documents**

Design of New Development Supplementary Planning Document, July 2011  
Planning Obligations Supplementary Planning Document, January 2013

## **PLANNING ISSUES**

The main issues to be taking into consideration are:

- Planning Policy
- Principle of the development
- Impact on the character and appearance of the countryside
- Loss of agricultural land
- Highways and Sustainable Transport
- Public Rights of Way
- Surface Water and Flood Risk
- Design and Layout
- Ecology
- Trees
- Impact on non-designated Heritage Assets (Archaeology)
- Impact on non-designated Heritage Assets (Stockton and Darlington Railway Trackbed)
- Residential Amenity
- Contamination
- Developer Contributions
- Delivery

### **Planning Policy**

Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National

Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

### Five year housing land supply position

In relation to housing, the NPPF (2019) requires local authorities to plan positively for housing development to meet the needs of their area.

The Ministry for Housing Communities and Local Government have recently announced that Councils should start using the government’s new standard method for assessing housing need immediately when determining applications. National Planning Policy Guidance has also very recently been updated to reflect this. The guidance states that housing requirement figures identified in strategic policies should be used as the starting point for calculating the five year land supply figure for the first five years of the plan and where the strategic housing policies plans are more than 5 years old, but have been reviewed and are found not to need updating. In other circumstances, the starting point for calculating the five year land supply will be local housing need using the standard method. Utilising the local housing need figure for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council considers that a 17 year supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

A 5% buffer has been applied to the five year supply figure. The Council has produced a Five Year Housing Land Supply Position Statement (April 2019) which sets out the housing land supply position for the period 1 April 2019 to 31 March 2024, when measured against the local housing need figure.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable and deliverable for housing development in the emerging Local Plan. The application site is one such site.

### **Principle of the development**

The aim of policy E2 is to direct new development to within the development limits of the village and to safeguard the character and appearance of the countryside. The application site is located beyond the development limits of the village and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington’s Sub-Regional Role and Locational Strategy) of the Core Strategy (2011).

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to policy E2 there are other material considerations which should be considered in the planning balance.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. Evidence base work to support the emerging Local Plan included an update to the Strategic Housing Market Assessment which was published in October 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This housing requirement is significantly higher than the Government's local housing need figure for Darlington. The Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. In line with Government policy and guidance, the emerging Local Plan can only be afforded limited weight at this stage in its preparation. As outlined above, the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure (177), which does include the application site. However, once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted. In effect the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

It is important to note that the second part of saved policy E2 relating to the protection of the character and appearance of the countryside is still relevant and the impact on the proposed development on the countryside should be considered in the planning balance. It is set out elsewhere in this report that it is considered that residential development on this site would not have a significant impact on the character and appearance of the countryside.

### **Impact on the Character and appearance of the countryside**

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

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

A Landscape and Visual Impact Assessment undertaken by Pegasus Group (February 2019) was submitted in support of the application. The assessment, undertaken in accordance with the principles established in best practice, considers the potential effects of the indicative proposals upon; individual landscape features and elements; landscape character; and, visual amenity and the people who view the landscape. The assessment focusses on a 2km study area as it was considered that given the context of the landscape, beyond this distance would be difficult to discern within wider views and therefore likely to fall below the level of effect required to register even a minor adverse level of effect.

The site, which consists of agricultural land, adjoins the northern parts of Middleton St George. Station Road wraps around the northern and eastern boundaries of the site and is principally lined with housing. The southern boundary of the site is defined by Middleton St George Water Park. The western boundary of the site is open to the countryside.

The site is largely seen in the context of existing housing to the northern and eastern boundaries, and the Water Park to the southern boundary. Whilst the western boundary is open to the countryside, the effects of development of this site would be contained by the existing heavy vegetation, and the site would predominantly be seen in the context of the existing built form.

The indicative proposals seek to incorporate and augment existing landscape features where possible, and provide areas of open space and new planting, which would mitigate the impacts identified within the report.

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

Overall, the proposal is considered to be acceptable in respect of its impact on the character and appearance of the countryside.

### **Loss of Agricultural Land**

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality due to its position and constraints. A recent appeal decision has determined that the development of less than 20 hectares of land, is not significant in the context of paragraph 170 of the NPPF . In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

## Highways and Sustainable Transport

A Transport Assessment Addendum prepared by WYG Transport (January 2019) was submitted in support of the application. This addendum updates the previously submitted Transport Assessment, which was submitted in support of the application when it was first submitted in 2016.

The report presents expected vehicular trip rates based on surveyed residential trip rates from adjacent development on Station Road. A comparison has previously been undertaken with TRICS average trip rates for similar residential developments, which demonstrated that the surveyed trip rates were higher than average TRICS residential rates and are therefore considered robust for the purposes of the assessment.

The TRICS rates used are of the correct order of magnitude for the size and location of the development, and this would show that around 207 two-way trips will be generated in the AM peak and 123 two-way trips in the PM peak period. Further analysis based on census data shows how generated traffic is distributed around the wider highway network. The traffic impact of the development within the village is minimised by virtue of the site being located at the northern edge of Middleton St George close to the A67. The distribution from the site can be summarised as follows: A66(N) 24%; B6280 12%; A66(S) 22%; Sadberge Road 5%; A67(E) 29%; Station Road (S) / Local 8%.

This demonstrates that a total of 36% of generated traffic is routed through Station Road and the road network of the village centre. This equates to an additional 74 vehicle trips in the AM peak or roughly one additional vehicle per minute. The generated traffic will therefore add towards the local theoretical maximum capacity but not exceed it.

A review of Police accident statistics shows that there is no particular pattern or history of road traffic collisions recorded within the past 5 years, and as such, there are no road safety concerns at the proposed access location or within the vicinity of the site.

The proposed development will include a single point of vehicular access to the site from Station Road via a new ghost island priority junction layout. The site access will provide a visibility splay of 45 x 160m to the east and 4.5 x 120m to the west in accordance with observed 85<sup>th</sup> percentile speeds on Station Road and guidance for a 40 mph speed limit. As such it is demonstrated that the required junction visibility standards are met.

A development of up to 300 dwellings may be served by a single point of access and as such, the Highways Officer considers the proposed access type to be adequate for the life of the development of up to 260 residential dwellings.

In addition to the main vehicular access to the site a separate pedestrian / cycle access point is proposed onto Station Road to the east of the site. This is welcomed to help provide permeability through the site for pedestrian and cycle movements and accessibility from the site to the centre of Middleton St George. This route would also provide an alternative access to the site for emergency services should the main vehicular access from Station Road be blocked.

The proposed ghost island junction will require the relocation of the existing westbound bus stop on Station Road within the site frontage and a layby has therefore been provided as part of the site access design in order to accommodate the existing westbound stop.

As part of the Section 278 off-site highway works needed, a footway should be provided to the southern side of Station Road and extend fully across the frontage of the site, to link the site access junction to the existing footway and bus stop located near to Heathfield Park junction and provide better pedestrian connectivity between the development and the village.

There are bus stops located on Station Road to the north and east of the site access on both sides of the carriageway. The existing bus stops are located within a 400m walking distance from the centre of the site.

Specific details of the internal layout have not been provided as this is an outline application however in-curtilage parking spaces across the site should accord with the latest Tees Valley Design Guidance.

Subject to a number of conditions the Council's Highways Officer has raised no objections. The proposed condition would secure submission and agreement of the following:

- i. Details of internal highways layout, site access junction and proposed link road including links to the surrounding cycling / pedestrian infrastructure;
- ii. Details of car parking and secure cycle parking and storage details;
- iii. Details of a construction management plan;
- iv. Road Safety Audit.

Highways England has been consulted and have liaised with the developer and the Highway Authority to agree a Strategic Network Contribution, based on a contribution model used for other significant developments, to both Little Burdon (£348.17 per dwelling) and Morton Palms (£1,206.03 per dwelling) towards strategic highway improvements in these locations. Based on this being included in a Section 106 agreement, Highways England has raised no objections to the proposed development.

An Interim Travel Plan prepared by WYG Limited (January 2019) was submitted in support of the application. The document seeks to provide a framework of measures to encourage a reduction in private car usage, an increase in the use of sustainable modes of transport and to improve the overall accessibility of the development.

Bus service 12 is an hourly service Monday to Saturday, with no evening service or Sunday service. In line with the requirements of other recent permissions in Middleton St George, a Sustainable and Public Transport Contribution (£203,000) is sought to increase the frequency / availability of Service 12, along with bus stop improvements to Community Centre Outbound (£5,000). This will ensure that the development is served by a half hourly bus service Monday to Saturday and that services within the village are accessible by sustainable modes.

The Council's Sustainable Transport Officer has advised that the above contributions will improve the availability and accessibility of Service 12 . The submission, agreement and implementation of a final Travel Plan, should be secured by Planning Condition. To encourage more public transport use, the applicant proposes to provide each residential dwelling with a bus pass (a ticket permitting bus travel for one person for one week on the local bus network to include the number 12 bus route), and this is included in the list of planning contributions below. Also required is a planning condition to secure submission and agreement of details of secure cycle parking for each dwelling.

### **Public Rights of Way**

Two Public Rights of Way (Footpaths No. 3 and No. 4 in the Parish of Low Dinsdale) cross the development site and link into the wider PROW network. Amended plans were submitted to indicatively demonstrate how the rights of way could be integrated into the development. The most recent indicative layout accommodates one of the diverted footpaths within a green corridor along the southern boundary of the development, and includes the creation of links with the existing footpath network, with the other footpath shown along the internal road layout and ultimately linking with the new diverted path on the southern boundary.

The Public Rights of Way Officer has raised no objections in principle to the indicative arrangements, subject to the eventual reserved matters application and an application for a formal diversion of the routes. The diversion process is a separate process to planning, however any path orders cannot be confirmed unless and until planning permission has been approved.

Overall, based on the information provided at this outline application stage, the proposal is considered to be acceptable from a planning perspective in respect of its impact on existing Public Rights of Way.

### **Surface Water and Flood Risk**

The proposed development is situated within Flood Zone 1. The Environment Agency's flood maps highlight a number of small areas across the site of 'high' to 'low' risk of surface water flooding. SuDs areas are identified within the indicative layout.

A Flood Risk Assessment and Drainage Strategy undertaken by Patrick Parsons Limited (September 2016, updated January 2019) was submitted in support of the application. The report identifies the current site drainage characteristics and that the development will have a low to very low chance of flooding from surrounding watercourse, surface water or groundwater. It identifies that the small areas of 'high' to 'low' risk coincide with low spots on the topographic survey. The report indicates that these low spots will be eliminated in the design of the developed site and the impermeable areas will be positively drained reducing the amount of surface water, and therefore that the developed site will be at low risk of surface water flooding. The report proposes a surface water and foul water drainage strategy.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs as Local Lead Flood Authority (LLFA), has assessed the level of information submitted with this application and has indicated that at this outline stage, sufficient information has been submitted to satisfy the Local Lead Flood Authority that a surface water run-off solution can be achieved without increasing existing flood risk to the site or the surrounding area.

The LLFA has recommended that planning conditions be attached to any approval to secure submission and agreement of the following:

- A flood risk assessment to be submitted alongside the reserved matters application, demonstrating to the satisfaction of the Local Planning Authority in consultation with the LLFA, that flood risk both within or arising from the site, can be effectively managed;
- A scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme;
- Details of the proposed bridging structures crossing the existing watercourse and details for their long term maintenance;
- Compliance with the submitted drainage strategy and mitigation measures.

In addition, the Environment Agency has been consulted and has confirmed that the watercourse running through the site is Ordinary and this means that the LLFA are the competent authority to provide permissions to culvert the watercourse for the crossing.

Subject to the above, officers are satisfied that the proposed development would not increase the risk of flooding to the site or surrounding area.

### **Design and Layout**

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

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

### **Ecology**

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



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

This is in general accord with paragraph 170 of the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply a number of principles, including ; a) if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort compensated for, then planning permission should be refused; b) development resulting in loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An Ecological Assessment Report (January 2019) prepared by BSG Ecology was submitted in support of the application, the scope of which was informed by previous ecological surveys in 2016 undertaken by E3 Ecology.

The report makes a number of observations, including the following;

- A. Habitats within the site are dominated by poor semi-improved grassland which is grazed by horses;
- B. An area of broad-leaved woodland is present along a watercourse in the north west of the site; Tree species within the woodland are dominated by crack willow, but also includes ash, hawthorn, elder and dog rose;
- C. Extensive sections of mature hedgerow are present within the site; Species within the hedgerow include hawthorn, elder, holly, beech, blackthorn and bramble;
- D. A number of trees are present within the field boundary hedgerows and at the site boundaries; All of the trees within hedgerows are mature and over mature

- ash. Three apple are present in the west of the site adjacent to residential properties; Semi-mature ash are present along the northern site boundary;
- E. A section of hard standing is present adjacent to farm buildings in the north west of the site; This area is accessed by a hardstanding track which enters the site from Station Road to the north of the site;
  - F. A small watercourse is present in the north west of the site; In several sections the watercourse was blocked by debris consisting of fallen tree branches and vegetation; It is shaded along much of its length with broadleaved woodland and vegetation;
  - G. Eleven agricultural buildings are present within the site boundary. These consist of three portal framed barns with eight smaller buildings and containers; All of these buildings will be demolished as part of the proposed development and therefore all were assessed for their potential to support roosting bats; All of the buildings were considered to have low to negligible potential to contain roosting bats;
  - H. Other sources confirm seven records of badger within 2km of the site; There were no records for the site itself; A small number of badger hairs were noted in the south west corner of the site during the May breeding bird survey, however no sett building or other evidence of badger activity were identified within the site; Dusk emergence surveys, transect surveys and passive monitoring overall recorded low levels of activity;
  - I. Other sources provide seven records of bats within 2km of the site (common pipistrelle, soprano pipistrelle and natterers bat). None of the records were for the site itself;
  - J. All trees located within the site, including those located along the site boundary, were assessed to determine their potential to support roosting bats; Thirteen trees were found to have bat roost potential;
  - K. A single barn owl has been recorded roosting within a hedgerow tree in the south east of the site;
  - L. The majority of the site is considered to have limited potential for breeding birds due to the open and exposed nature of the habitats present; The hedgerows, woodland and trees within the periphery of the site offer better opportunities for breeding birds;
  - M. Breeding bird surveys recorded the presence of a total of 31 species of bird within the survey area. Of these species, a total of nine were considered to be breeding or probably breeding either within or in the immediate vicinity of the site; up to 19 territories may have been present;
  - N. Other sources provide 14 records of great crested newt within 2km of the site; No records were for the site itself. No great crested newt were recorded in any of the points in the 2016 surveys; water samples sent for analysis recorded negative presence of great crested newt DNA and it is concluded that great crested newt is likely to be absent from the site;
  - O. There are no records of otter within 2km of the site; No signs of otter were noted during the watercourse survey; Habitats along the watercourse are not considered to be suitable for holt creation; The grassland habitats are considered to provide limited opportunities for otter;
  - P. Other sources provide five records of water vole within 2km of the site; No signs of water vole were noted during the watercourse survey; The site is considered to provide limited habitat for water vole;

Q. Habitat loss will take place during the construction phase of the development with no further habitat loss expected during the occupation phase; Based on the indicative layout for the proposed development it is anticipated that there will be a net loss of habitats when development takes place in the absence of mitigation, however most of this loss will be species-poor, semi-improved grassland and the habitats of greatest ecological value will largely be retained

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

- 135 metres of species rich hedgerow will be incorporated into the landscape scheme to mitigate for the loss of sections of hedgerow within the site;
- Tree planting will be incorporated into the proposed landscape scheme to compensate for the semi-mature trees being lost along the northern site boundary to accommodate visibility splays;
- Inspection of any trees for bats will take place prior to removal and if required, a licence from Natural England may be sought prior to tree removal;
- Works will be timed to avoid the most sensitive times of year;
- Pre-works checking surveys to be completed by a suitably qualified ecologist;
- Workplace induction and briefing;
- Direct supervision of any works likely to affect trees that may be used by roosting bats;
- Creation of new bat roosts through the erection of boxes appropriate to the number of roosts to be lost;
- Lighting in the vicinity of any retained habitats and new landscaped habitats within the site should be kept to a minimum and should be directed to avoid light spillage on these areas;
- Insertion of a pole-mounted barn owl box to be erected along the western site boundary to compensate for the loss of the barn owl roost within the west of the site;
- Bird boxes to be erected in retained woodland in the north west of the site;
- Vegetation clearance work should be completed outside of the bird breeding season;
- To install eight additional bird boxes within retained woodland areas within the site;

Overall, it is considered that subject to a condition to secure compliance with the recommendations of the submitted report, it is considered that the proposed development will conserve and enhance the natural environment, providing an overall net gain for biodiversity, in accordance with the National Planning Policy Framework.

### **Trees**

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

An Arboricultural Impact Assessment undertaken by All About Trees (September 2016) was submitted in support of the application together with an Arboricultural Method Statement, and a Tree Protection Plan. None of the trees within the site are protected but it is the intention to retain existing trees and hedgerows where possible.

In terms of this outline application, which would fix the proposed access only, the proposal would necessitate the removal of four Ash trees, one of which is considered unsuitable for retention and the remainder of which are considered to be of low arboricultural value. It would also necessitate the removal of one group of Ash trees which are also assessed as being of low arboricultural value.

Whilst the reports refer to the potential removal of other trees, based on the indicative layout, and whilst the overall arboricultural impact of this is considered to be low, this can only be assessed at reserved matters stage. To this extent, it is considered appropriate to attach a planning condition to any approval, which would require submission and agreement of a tree survey, together with adequate tree protection, to ensure that those trees to be retained in the eventual final layout, are sufficiently protected.

To mitigate and compensate for any necessary tree removal, and to enhance the development, a comprehensive landscaping scheme is proposed, and whilst this is illustrated in the indicative layout, this would be the subject of a future reserved matters application.

Further to the information submitted and subject to a planning condition, the proposal is considered to be acceptable in respect of its impact on trees.

### **Impact on non-designated Heritage Assets (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 directly or indirectly affect a non-designated heritage asset, 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 states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

An Archaeological Desk Based Assessment (June 2016) and A Geophysical Survey (January 2017) both prepared by Archaeological Services Durham University (ASDU) were submitted in support of the application. The latter has identified some probable archaeological remains which will need confirming through trial trenching as they could relate to the line of a Roman road with associated road-side structures.

Durham Archaeology Team has been consulted and requested that pre-determination field evaluation following by trial trenching should be undertaken to allow the archaeological impact of the development to be fully understood.

In this case, due to the site being in multiple ownerships there exist limitations to any pre-determination works, officers have agreed with the applicant that a planning condition can be attached to any approval to require post-determination evaluation works, which would include mitigation if necessary. The Archaeology Team has agreed to this on the basis that the applicant understands the risks to eventual design or timescales should any significant remains be encountered.

### **Non-Designated Heritage Assets – Stockton and Darlington Railway Trackbed**

The site does not adjoin the route of the Stockton & Darlington Railway, but is in close proximity to the track bed and one of the Railway Taverns – originally the Fighting Cocks – which is a non-designated heritage asset within the Stockton and Darlington Heritage Action Zone. The Stockton and Darlington Railway Heritage Action Zone includes a buffer of 50 metres either side of the track bed. A section of the application site therefore falls within the Heritage Action Zone.

It is likely that the Platform No. 1 Public House / Fighting Cocks site, which includes remains of the original structures connected to a Coal Depot, Waiting Shed and the original Railway Tavern, will be subject to further research, archaeological investigation, interpretation and protection in the future by the Friends of Darlington and Stockton Railway.

In view of the above, the Heritage Action Zone Project Manager has recommended that a financial contribution of £10,000 is sought for research and interpretation and the applicant has agreed to this.

### **Residential Amenity**

Residential amenity in terms of the layout of the site and achieving an acceptable level of amenity for existing and future residents will be given full consideration when any application(s) for reserved matters are submitted.

The application has been submitted with an Air Quality Assessment prepared by WYG Limited (September 2016) together with an Air Quality Addendum (December 2018) which was produced to provide additional, updated information further to updates to guidance and baseline air quality information, which have been published since the initial Air Quality Assessment.

The report considers the impact of the effects associated with the proposed development on receptors in the surrounding area. It has concluded that the impact of the development on the prevailing air quality in the area will be negligible for all existing and proposed receptors, and concludes that the site is suitable for the proposed development.

The Council's Environmental Health Officer has been consulted and agrees with the conclusions of the report, which demonstrates that the impact of the development will be significantly below air quality standards designed to safeguard health. It is therefore considered that mitigation measures to offset the impact of the development on air quality are not required.

The Council's Environmental Health Officer considers that noise and dust from a development on this scale, could potentially impact on existing residents as well as new occupiers of the proposed properties who move in before the entirety of the site is completed. In order to minimise these impacts and to achieve some control over the construction process, it is therefore recommended that a condition be attached to any approval to require submission and agreement of a full Construction Management Plan, which would include the assessment of potential impacts of construction dust, but would also consider such issues as construction traffic routes, parking, details of wheel washing and proposed hours of construction.

An Assessment of Noise Levels and Noise Amelioration Measures prepared by LA Environmental Consultants (September 2016) was submitted in support of the application together with a further update (December 2018). The report made an assessment of noise based on a northern site access point into the site. The predominant noise source in the area was found to be road traffic noise on Station Road.

The Council's Environmental Health Officer is satisfied with the conclusions of the report and recommends a planning condition to secure submission, agreement and implementation of a scheme to protect future occupiers of the proposed development, from the effects of road traffic noise.

### **Contamination**

A Preliminary Investigation (desktop study with site walkover) prepared by Dunelm Geotechnical and Environmental (February 2016) was submitted with the application. This identified that no major contamination issues were anticipated on site because there has been no history of industrial land use on the site, although there were areas of significant industry immediately to the north where the former brick and tile works were located.

Given the scale of the site and the sensitive end users proposed to be introduced, the Council's Environmental Health Officer has recommended that the standard contaminated land conditions CL2-CL6 be attached to any approval. These deal with site investigation works, a remediation and verification strategy, construction / remediation works and a Verification and Completion Report. Subject to the inclusion of these conditions, the Council's Environmental Health Officer has raised no objections.

### **Developer Contributions**

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The agreed Heads of Terms proposes the following:

- i) £348.17 per dwelling towards strategic highway network improvements in Little Burdon as requested by Highways England;
- ii) £1,206.03 per dwelling towards strategic highway network improvements in Morton Palms as requested by Highways England;
- iii) Education Contribution £3,055 per dwelling towards the construction of a new Primary School in Middleton St George;
- iv) £208,000 to contribute to enhancement of public and sustainable transport within the village;
- v) Provision of one bus taster ticket per dwelling (a ticket permitting bus travel for one person for one week on the number 12 bus route or any replacement service);
- vi) £10,000 towards research and interpretation of the former Darlington and Stockton Railway;

The developer has agreed that 20% affordable housing will be provided on-site and that this will be dealt with by way of a planning condition.

The above were considered with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The Highways Officer indicated that there are current parking problems in Middleton St George, which restricts the free flow of traffic at localised pinch points. Station Road from the railway bridge to The Square is a particular problem as many people park for short durations while visiting local shops and other amenities. The Council is therefore looking to create additional off-street parking to help accommodate these vehicle trips which would help alleviate this bottleneck. The Highways Officer has requested a financial contribution as part of a Section 106 agreement to help towards a mitigation scheme.

Officers have carefully considered this issue and have had detailed discussions regarding how it meets the necessary tests set out in the CIL regulations, and also in the context of consistency of approach in terms of other recent committed developments within the village. Overall it is not considered that this is necessary to make the development acceptable in planning terms, and officers have therefore not sought to include this in a Section 106 agreement.

## **Delivery**

To ensure the Council maintains a five-year supply of housing land and to progress to the delivery of dwellings within a short time frame, a condition is recommended which

sets a short time scale for the submission of the reserved matters application. A period of 18 months is considered appropriate.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

## **CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2018) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

Despite the conflict with Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997, the application site is in an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. When considered in the context of the emerging Local Plan and the contribution that the proposal will make to the 5 year supply of housing land, the principle of residential development is considered to be acceptable on the application site in this instance.

The proposal does not result in any adverse impacts on highway safety, surface water drainage or on residential and visual amenity, with appropriate mitigation measures in place to be secured by planning conditions. Appropriate planning obligations have also been negotiated and would be secured by a Section 106 Agreement, to mitigate against the impacts of the development.

## **RECOMMENDATION**

THE DIRECT OF ECONOMIC GROWTH 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) EDUCATION CONTRIBUTION
- iii) PUBLIC AND SUSTAINABLE TRANSPORT CONTRIBUTION;
- iv) FORMER STOCKTON AND DARLINGTON RAILWAY CONTRIBUTION;
- v) PROVISION OF ONE BUS PASS PER DWELLING



THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

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.

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.
2. PL (Accordance with plans)  
SD-10.01 Rev L Masterplan as proposed  
SD-10.03 Rev F Masterplan as proposed Arial Montage – Key Features
3. The submitted landscaping scheme, to be submitted as a Reserved Matter, 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.

4. Prior to the occupation of any unit within the development as a whole or within each phase, a scheme for the provision of affordable housing as part of the development shall be 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 for the development as a whole or within each phase 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 the housing units;
  - b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL 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

5. No development (excluding demolition and site access works) shall commence until 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 interests of visual and residential amenity.

6. 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 shall be carried out. The survey shall include the identification of appropriate measures to protect existing trees proposed to be retained in order to protect them from damage by compaction, severance and material spillage, in accordance with the principles of 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 necessary agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place during the period of development of this planning permission as required in the provisions of the approved survey. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees unless provided for specifically in the specification:
  - 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.

- 7. 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 by a suitably qualified ecologist which confirms that tree and hedgerow removal of works to buildings can commence.

REASON – In the interests of ecology

- 8. Prior to the commencement of the development (excluding demolition) precise details of the internal highways layout, site access junction, and links to the surrounding pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of highway safety

- 9. No development (excluding demolition and site access works) shall commence unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, and service vehicles for the internal network, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

- 10. Prior to the commencement of the development (excluding demolition and site access works), 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 development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

- 11. A Road Safety Audit shall be carried out for all of the s.278 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 interests of highway safety

- 12. 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.

13. The development permitted by this planning permission shall only be carried out in accordance with the principles of the approved Flood Risk Assessment (FRA) (Patrick Parsons) and the following mitigation measures detailed within the FRA:

1) The Details of the development layout must be shall be submitted to the Local Planning Authority, who will consult with the Environment Agency, to confirm in writing the satisfaction that it is in accordance with the principles of the FRA and ensures that no dwellings are located within the 'extent of flood risk' area defined on the Drainage Strategy Sheet 1 Preliminary N16155-220 Rev P4.

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.

14. No development shall commence until a detailed Flood Risk Assessment and scheme for the disposal of surface water on the site demonstrating that flood risk, both within and arising from the site, can be effectively managed has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The scheme shall be in accordance with the principles set out by the Flood Risk Assessment written by Patrick Parsons (document number N16155 Revision 2) and Drainage Strategy Sheet 1 Preliminary N16155-220 Rev P4 and include the following details:

- Detailed design of the surface water management scheme (for each phase of the development) which includes the following mitigation measures;
  - i. The development surface water discharge rate shall be limited to the existing greenfield runoff rate (QBAR value)
  - ii. The design shall provide sufficient storage within the system to accommodate a 1 in 30-year storm event and shall also ensure that storm water arising from a 1 in 100-year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or the watercourse.
  - iii. Details of adoption responsibilities.
- Detail design of all SuDS features highlighting all site levels, including the 30-year and 100-year plus climate change flood levels and confirmation of storage capacity;
- An implementation, maintenance and management plan of the surface water drainage scheme covering the lifetime of the development;

- A management plan detailing how surface water runoff from the site will be managed during the construction phase.

The development shall be implemented and managed and maintained in full accordance with the approved details.

REASON – To ensure the site is developed in a manner that will not increase the risk of flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and having regard to the requirements of paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

15. No development approved by this permission shall be commenced until full details for the proposed bridging structures crossing the existing watercourse and details for their long-term maintenance have been submitted to and approved in writing by the Local Planning Authority. The bridges shall be constructed in accordance with the approved details and maintained thereafter in accordance with the submitted details.

REASON – To ensure the site is developed in a manner that will not increase the risk of flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and having regard to the requirements of paragraphs 30-32 of the Flood Risk and Coastal Change section of the planning practice guidance.

16. The mitigation measures set out in the Ecological Assessment Report prepared by BSG Ecology submitted on 8 February 2019 shall be implemented in full.

REASON – In the interests of ecology

17. No development shall commence until precise details of a scheme for the provision of a pole mounted barn owl box, bat roosting and bird nesting opportunities on the site, including a programme for their delivery, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full in accordance with the approved programme and maintained for the lifetime of the development.

REASON – In the interests of ecology

18. All garden fences to the rear of properties require at least one ground level access space of min 150 X 150mm between properties for hedgehog accessibility.

REASON – In the interests of ecology

19. Development shall be implemented in line with the principles of the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "23.01.2019". The drainage scheme shall ensure that foul flows discharge to the combined sewer at or between manholes 2903 -3802 and ensure that surface water discharges to the existing watercourse.

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

20. 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

21. 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.

22. Prior to the commencement of the development, a Demolition and Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plans 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality

Management "Guidance on the assessment of dust from demolition and construction" February 2014.

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of the impact on Public Rights of Way during the construction period;
- e) Details of vehicle cleaning.
- f) Road Maintenance.
- g) Warning signage.

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

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

23. Construction and demolition work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity

24. Prior to the first occupation of the development hereby approved, a scheme for protecting future occupiers of the proposed development from the intrusive effects of road traffic noise shall be submitted to, and approved by, the Local Planning Authority. These measures shall be installed prior to the first occupation of each of the dwellings requiring the measures and retained thereafter for the lifetime of the development. Sound insulation measures as outlined in the LA Environmental Consultants Report ref: SH/MSG/001 submitted with the application, or equally effective measures, shall be installed at appropriate locations within the development. Any acoustic windows installed within the development must still be openable to allow future occupiers to utilise purge ventilation should they choose to do so. The required mitigation measures are outlined in Section 6 of the report and are set out below:

- the installation of enhanced glazing in facades of properties close by Station Road;
- the installation of a suitable sound attenuated method of ventilation within those same properties;
- the installation of a close boarded acoustic fence in the garden areas of properties adjacent to Station Road.

REASON – In the interests of residential amenity

25. 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.

26. 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.

27. 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 if 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 current or past 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.



28. 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.

29. A Phase 4 Verification and Completion Report shall be compiled if required 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.

## **INFORMATIVES**

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

An appropriate street lighting scheme and design to cover the new internal highways and proposed amendments to the existing arrangements should be submitted to 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.

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

The applicant is advised that the implementation of a new 20mph speed limit on the internal site will be required and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

The existing Public Rights Of Way should remain open and accessible during the construction period. If this is not practical, a temporary Traffic Regulation Order will be required to close the existing routes and provide alternatives.

A trunk main and public sewer are present within the redline boundary of the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. Northumbrian Water will continue to work with the developer to establish the exact location of these assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. Further information is available at <https://www.nwl.co.uk/developers.aspx>.

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30-year storm. The design shall also ensure that storm water resulting from a 1 in 100-year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100-year event plus climate change shall also be provided. The calculations shall include an allowance of 10% to account for development creep over the lifetime of the development and assess the impact of the outfall to the watercourse being surcharged under design conditions.

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

The developer shall provide a detailed programme time table or Gantt chart demonstrating how the drainage system will be sequentially constructed and being fully operational prior to the completion or occupation of the first dwelling on site whichever is sooner.

A local flood risk assessment shall assess the capacity of the ordinary watercourse that falls within the development boundary and the potential for localised flood risk from all the existing ponds to the south of the development including means of overflow and

over land flow routes. Necessary mitigation measures including increased finished floor levels for new dwellings shall be identified having regard to potential high water levels and shall be submitted to and approved in writing by the Local Planning Authority.

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

There is an ordinary watercourse that crosses the proposed development site, a survey of any existing drainage systems including water bodies/watercourses must be undertaken and details provided within the Flood Risk Assessment/Drainage Strategy. The survey must consider the condition of the watercourse/drainage system in which the SuDS may discharge too. If any drainage system is identified on site during construction works the Lead Local Flood Authority should be notified. Any existing watercourses situated within the boundary of the proposed development site must be protected and the LLFA must be informed of any proposed works to the existing watercourses.

If the applicant proposes to discharge surface water into an ordinary watercourse, there is a legal requirement to obtain consent from the Lead Local Flood Authority (LLFA) if the applicant intends to carry out any works in, over, under, or within 10 meters of the watercourse, whether permanent or temporary. No works on a watercourse can proceed until written consent has been granted by the LLFA. A land drainage consent is standalone application that could take up to 8 weeks for determination. This is to ensure that any works do not endanger life or property by increasing the risk of flooding or cause harm to the water environment.

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

1. 1 in 30 year event;
2. 1 in 100 year plus 20% climate change;
3. 1 in 100 year plus 40% climate change.

Drainage systems can be designed to include a 20% allowance for climate change;

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

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

The watercourse running through the site is Ordinary and this means that the LLFA are the competent authority to provide permissions to culvert the watercourse for the crossing. We would recommend that a full discussion with them enables the culvert to be designed correctly and the risk of blockage is mitigated.

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## Appeal Decision

Site visit made on 19 March 2019

**by John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4<sup>th</sup> April 2019**

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**Appeal Ref: APP/N1350/D/19/3222528**

**Creebeck House, Roundhill Road, Hurworth Moor, Darlington DL2 1QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nimmo against the decision of Darlington Borough Council.
  - The application Ref: 18/00765/FUL, dated 17 August 2018, was refused by notice dated 12 December 2018.
  - The development proposed is the construction of a detached garage to rear of the existing property.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the construction of a detached garage to rear of the existing property at Creebeck House, Roundhill Road, Hurworth Moor, Darlington DL2 1QD in accordance with the terms of the application, Ref: 18/00765/FUL, dated 17 August 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No. 001 (Plan view and elevations); and Drawing No. 002 (Block Plan - Proposed).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in Creebeck House.

### Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. Saved Policy E2 of the Borough of Darlington Local Plan 1997 (the Local Plan) sets out that most new development will, for the plan period, be located inside the development limits defined on the proposals map. It is not in dispute that the appeal site is beyond the settlement limits set out in the Local Plan. Policy E2 also sets out a number of criteria for development beyond the settlement limits, including allowing for development for agricultural or forestry operations and for small scale development beneficial to the needs of rural communities,

provided that unacceptable harm to the character and the rural area is avoided.

4. The appeal site is outwith the formal garden area of Creebeck House, beyond a hedgerow boundary. Nonetheless, I saw when I visited the site that the land has the appearance of being used in connection with the house. It consists mainly of rough grass with some trees and a small pond. Several private cars were parked on it and two horsebox trailers were being used for the storage of various items. A small quantity of building materials were also present on the site.
5. Although much of the surrounding land is in agricultural use, Creebeck House and the appeal site form part of a group of buildings which includes an adjacent house that shares the access and two single storey buildings that have a more commercial character. Beyond these is an area of land that is used as a small holding, which also extends around the southern boundary of the appeal site. This small holding has a number of small buildings in a variety of materials and styles on its western boundary. On the opposite side of Neasham Road, to the east of the appeal site, is a further dwelling that has several outbuildings within its boundary. Travelling south east on Neasham Road, there are several other similar small groupings of buildings of various designs and varied materials. A short distance to the North of the appeal site a large, modern, sports stadium is located just beyond the A66.
6. Whilst, for policy purposes, the appeal site is in the countryside and it is outside the formal garden area of Creebeck House, it is within the same ownership as the existing house, and it was evident from my site visit that it is used in association with the adjoining dwelling. The proposed garage building would not fall within the types of development set out in Saved Policy E2, however, the Policy is silent in respect of development associated with existing dwellings beyond the settlement limits. The supporting text to Saved Policy E2 states that the settlement limits were defined with the intention of maintaining the well-defined boundaries between the built-up and rural areas of the Borough, and to safeguard the character and appearance of the countryside. I accept that the supporting text is not part of the Policy, nonetheless, its purpose is to indicate how the policy will be implemented.
7. From the information submitted with the appeal and from what I saw when I visited the site, the small scale of the proposed garage would not, not in my view, have any material effect on, or erode, the boundary between the built-up area of Darlington and the Countryside. In this respect, I find no fundamental conflict with Saved Policy E2.
8. Saved Policy E4 of the Local Plan seeks to ensure that new buildings in the countryside that comply with the requirements of Policy E2 are located with, and visually related to, existing buildings. Policy CS2 of the Darlington Local Development Framework Core Strategy 2011 (the Core Strategy) expects, among other matters, that new development reflects and/or enhances the distinctive natural, built and historic characteristics of the Borough.
9. The proposed garage would be relatively large and would be visible from Neasham Road above the hedge on the eastern boundary of the appeal site for a short stretch of its length. Nevertheless, it would not be so remote from Creebeck House that, through the use of similar materials as proposed in the application, there would not be a clear visual connection. The proposed garage

would also be perceived as an ancillary building to the larger and higher main house.

10. Although the appeal site currently contains no buildings, Creebeck House and the dwelling and buildings to the west of it, and the dwelling with associated outbuildings to the east, form a coherent group of buildings. The appeal proposal would add a further building to this group but would not significantly change its visual appearance to the extent that this would be harmful to the appearance of the surrounding countryside. Taken as a whole, it would not be inconsistent with the form of development that I saw is present elsewhere in the area.
11. The appeal site is not within a Green Belt or an area of countryside that has been identified as being particularly sensitive. The effect of the proposal on the character and appearance of the area and the surrounding countryside would, therefore, be a neutral one.
12. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of Saved Policies E2 and E4 of the Local Plan or Policy CS2 of the Core Strategy.

### **Conditions**

13. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty regarding what has been granted planning permission, it is necessary to attach a condition specifying the approved drawings. It is also necessary to attach a condition requiring that the development be constructed using materials that match Creebeck House to ensure that the new building integrates into the surrounding area.

### **Conclusion**

14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

*John Dowsett*

INSPECTOR





## Appeal Decision

Site visit made on 19 February 2019

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> April 2019

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**Appeal Ref: APP/N1350/W/18/3215705**

**Land at 14 Dibdale Road, Neasham DL2 1PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Charlton against the decision of Darlington Borough Council.
  - The application Ref 18/00333/FUL, dated 23 April 2018, was refused by notice dated 27 September 2018.
  - The development proposed is a new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) whether the appeal site is in a suitable location for new residential development with regard to local and national planning policy for the delivery of housing, and
  - ii) the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Suitability of the site for residential development*

3. The appeal site is in an elevated and prominent position on the outskirts of Neasham, accessed via an unmade track from Dibdale Road. The street is characterised by single storey properties, irregularly sited and with open and well-tended gardens. Although the site is not geographically remote from the closest neighbouring property, it is visually and physically distinct from the settlement as a result of the change in character at this point from suburban residential to woodland and open countryside.
4. Policy CS1 of Darlington Borough Council's Local Development Framework Core Strategy Adopted May 2011 (the Core Strategy) is the Council's locational strategy. This is a hierarchical approach which encourages development in accessible locations. In smaller settlements, development is required to demonstrate that it will contribute positively to community viability and the rural economy. Outside defined development limits, development is supported where it is required to meet an identified rural need.

5. Saved Policy E2 of the Borough of Darlington Local Plan November 1997 (incorporating Adopted Alterations September 2001) (the Local Plan) sets out that certain types of development may be acceptable outside of development limits, subject to meeting the needs of the rural community and provided that unacceptable harm to the character and appearance of the rural area is avoided.
6. Although not cited in the reason for refusal, the appellant has also drawn my attention to saved policy H7 of the Local Plan which restricts development outside of development limits with certain exceptions, none of which are acknowledged to apply to the proposed development.
7. These policies are broadly consistent with policies in the National Planning Policy Framework which promote sustainable development in rural areas, requiring housing to be located where it will enhance or maintain the vitality of rural communities, reflecting the different character and roles of different areas, and avoiding the creation isolated dwellings in the countryside unless particular circumstances apply.
8. The appeal site is outside of the development limits for Neasham, as defined by the Local Plan. It is served by an unmade track through woodland and there is no footway along this part of Dibdale Road beyond The Close. The part of Dibdale Road that provides access to the appeal site is subject to the national speed limit and is unlit through the woodland. Walking is therefore unlikely to be an attractive or convenient means of accessing services. Moreover, Neasham is a small settlement with limited facilities and is not well served by public transport. As a result, there would be no reasonable opportunities for future occupiers to meet their daily needs by sustainable forms of transport and there would be a reliance on private car use. The addition of one dwelling in this location would not make any significant contribution to the vitality of the rural community. It has not been demonstrated that the proposed dwelling would meet a local rural need.
9. Therefore, for the reasons set out above, I conclude that the proposed development is not in a suitable location for new residential development. It would be in conflict with the development plan, including Policy CS1 of the Core Strategy and 'saved' Policy E2 of the Local Plan. These seek to focus residential development in accessible locations, where it will support the local economy and contribute to maintaining viable communities. It would also be in conflict with policies in the Framework relating to the location of rural housing and the promotion of sustainable forms of transport.

*Character and appearance*

10. The appeal site comprises a former garden area with wooded embankments, in an elevated position above Dibdale Road and beyond the settlement limits of Neasham. The wooded slopes connect Dibdale plantation to the east of the appeal site with the woodland to the west.
11. The proposed development would be located on the relatively flat and open part of the site which is elevated above Dibdale Road and the neighbouring property No 12. It would be a detached 3 bedroom dwelling, finished in brick, render and timber panelling, with a tiled roof, with a detached double garage at the southern end of the site.

12. The appeal site has an undeveloped and natural character and appearance, resulting from the vegetated and wooded embankments above No 12 and Dibdale Road and the scattered trees on the plateau and in the boundary hedgerow. Consequently, it relates well to, and provides connectivity between, the mature woodlands to either side. This woodland belt is a well-defined and prominent landscape feature that functions to separate the built environment of the village from the surrounding open countryside. The proposals would disrupt and diminish this strong landscape boundary at the edge of the settlement.
13. Notwithstanding the wooded boundaries, my observation is that the proposed development would not be well screened from views. Certainly, at the time of my visit, trees were not in leaf and I was able to look out from the appeal site and observe locations and properties elsewhere in Neasham, including along Dibdale Road, Teesway and Neasham Hill. Given the prominent location, the proposed 2 storey dwelling would thus be visible from these and indeed other positions in the village and further afield, as topography allows. The scale and design of the proposed development is broadly appropriate in the context of the village and for the size of the plot. However, as a result of the elevated position, set back behind woodland and wide separation from the adjacent property, it would not relate well to the built environment or its surroundings.
14. The proposed dwelling would encroach into the open countryside beyond the woodland that defines the edge of the village. However, the domestic form of development proposed would be inconsistent with, and would not relate well to, the rural agricultural or natural landscape that characterises the countryside. Consequently, it would not be sympathetic to the distinctive character of the area.
15. I therefore find that the proposed development would harm the character and appearance of the area. In this respect, it would be in conflict with the development plan including saved Policy E2 of the Local Plan and Policy CS2 of the Core Strategy which, amongst other matters, require development to avoid harm to character and appearance of the rural area and to respect the distinctive natural and built character of the area.

### **Other Considerations**

16. Planning permission has previously been granted for residential development beyond development limits<sup>1</sup>. However, those permissions were granted at a time when the Council accepted that it was unable to demonstrate a 5 year supply of deliverable housing sites (5YHLS), and prior to the publication of the revised National Planning Policy Framework. Those schemes were therefore assessed in a different policy context. From the limited information before me, it is also apparent that there are differences between those schemes and the appeal proposal, including in terms of their previous use, relative contribution to the supply of housing, and relationship to the built environment and the surrounding countryside. Consequently, they are not directly comparable with the appeal scheme.
17. Similarly, the pre-application advice was provided when the Council was unable to demonstrate a 5YHLS, so the policy context was significantly different. It is

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<sup>1</sup> Council refs 17/01012/FUL, 16/01020/OUT and 18/00229/RM1

therefore not relevant to my determination of the appeal, which is based on the planning merits of the scheme having regard to current planning policy.

### **Planning Balance**

18. There is a dispute between the parties in respect of the Council's 5YHLS, with both parties submitting a substantial amount of evidence to support their respective positions. On the basis of the Council's calculations, even discounting sites where deliverability has been questioned by the appellant, the Council is nonetheless still able to demonstrate a 5YHLS. Whilst the appellant acknowledges this, he has more fundamental concerns about how the area's housing needs have been assessed. However, this is not a matter than can be addressed in a S78 appeal and in any event, the Housing Delivery Test<sup>2</sup> demonstrates that the Council's approach is delivering sufficient homes.
19. The proposed single dwelling would make a minimal contribution to housing supply. There would be very limited economic benefits, most of which would be realised in the short-term during the construction phase. The social benefits from one dwelling in this location would also be minimal. The scheme would result in moderate harm due to the conflict with the Council's locational policies, and the lack of access to services by non-car modes of transport. On the other hand, there would be significant harm to the character and appearance of the surrounding countryside.
20. For these reasons, even if I were to conclude there is a shortfall in the 5YHLS, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits when assessed against the policies of the Framework as a whole. Therefore, the presumption in favour of sustainable development does not apply in this case.

### **Conclusion**

21. For the reasons set out above, the proposed development would conflict with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR

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<sup>2</sup> Housing Delivery Test: 2018 Measurement, Published 19 February 2019.

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## Appeal Decision

Site visit made on 11 February 2019

**by Mrs Zoë H R Hill BA(Hons) DipBlgCons(RICS) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 17/04/2019**

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**Appeal Ref: APP/TPO/N1350/6997**

**10 Edinburgh Drive, Darlington, Durham DL3 8AW**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Mr A & Mrs S Pearson-Turner against the decision of Darlington Borough Council.
  - The application Ref: 18/00676/TF, dated 24 July 2018, was refused by notice dated 5 September 2018.
  - The work proposed is to fell the tree (a maple) and replace with a sapling.
  - The relevant Tree Preservation Order (TPO) is The Darlington Borough Council Tree Preservation Order No. 9 2008 (within the grounds of 10 Edinburgh Drive, Darlington), which was confirmed on 2 July 2008.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are the amenity value of the tree and whether or not the harm to living conditions by virtue of loss of light, concern over potential for the shedding of branches damaging the property, and worry associated with this are sufficient to justify removal of the tree.

### Reasons

#### *Amenity*

3. The maple tree is situated adjacent to the highway boundary of the site and not far from the junction between Edinburgh Drive and Salutation Road. The tree is of mature size and so is a significant visual presence in the street scene. In public views, the street and garden trees create a pleasant verdant appearance. That appearance enhances the character and quality of this suburban residential area. The appeal tree is important in that it is the first sizeable tree on this side of Salutation Road and so has a focal role.
4. Despite the fact that the dwelling on the appeal site has been extended close to the appeal tree, and that a brick pillar supporting the boundary wall has been built into an area close to the tree and that a garden shed has been erected underneath the tree, it remains in good health. Even with the development in such proximity to it, there is nothing to indicate that it would not have a considerable lifespan.

5. I found the tree to be visually attractive and contribute to the amenity of the area during winter months. I have no doubts that it would be of greater visual amenity when it is in full leaf. In these circumstances, it is necessary that the justification for its removal is well founded and of such significant weight that it would outweigh the harm that would arise from its loss.

*Justification for the Proposed Removal*

6. Given that the recent extension has been erected close to the tree there will be some loss of light to the nearest rooms, particularly in the summer. However, the appellant would have been aware of this when buying the property. Moreover, the nearest room, the kitchen, has views out in other directions and the shadowing would not be so significant as to render the dwelling an unpleasant place to live. Thus, this matter is not one which would outweigh the harm that would arise from the loss of the tree.
7. The appellants are also concerned that there is potential for shedding of branches which could cause harm. This concern is heightened because the tree has lost a branch which resulted in damage to the extension. The extension has been built where the proximity makes this more possible. However, good tree management and maintenance should reduce risk of serious harm.
8. The appellants also express concern that the worry about this risk is causing stress. The appellants have chosen to live in the property with the proximity already cited. Moreover, the periods of strong winds during which the tree would have greatest movement are likely to be limited in duration and frequency. Further, there is no substantiated evidence that the tree, following the branch failure, is a danger in this regard. It should, in accordance with good tree management, be professionally inspected and assessed on a regular basis. Thus, this concern does not outweigh the harm identified to the amenity of the area were the tree to be removed.

*Other Matters and Conclusions*

9. The appellants suggest replanting a sapling to replace the tree. While there is space in the garden to do this, it would not have the same visual presence in the street scene. Moreover, it would take a significant time for a replacement tree to achieve a similar size and so provide similar visual amenity. Therefore, without good reason to justify felling this healthy tree I do not attach weight to the suggested replanting.
10. The proposed felling would conflict with saved policy E13 of the Borough of Darlington Local Plan, which, amongst other things, it is not disputed, seeks to take into account the public amenity value of such trees.
11. The loss of this tree would be harmful to the amenity of the area. I conclude that, on the evidence before me, the removal of this high amenity value tree is not justified. Therefore, I conclude that the appeal fails.

*Zoë H R Hill*

Inspector

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## Appeal Decision

Site visit made on 8 April 2019

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 May 2019**

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**Appeal Ref: APP/N1350/W/18/3219041**

**Castle Farm, Walworth Road, Walworth DL2 2LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Jessica Emmerson against the decision of Darlington Borough Council.
  - The application Ref 18/00866/CU, dated 17 September 2018, was refused by notice dated 19 November 2018.
  - The development proposed is change of use of ground floor of existing domestic garage to commercial kennels for up to 8 dogs (use class Sui Generis) and creation of parking area for 4 no vehicles and new vehicular access from Walworth Road.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor of existing domestic garage to commercial kennels for up to 8 dogs (use class Sui Generis) and creation of parking area for 4 no vehicles and new vehicular access from Walworth Road at Castle Farm, Walworth Road, Walworth DL2 2LU in accordance with the terms of the application, Ref 18/00866/CU, dated 17 September 2018, subject to the conditions in the schedule attached to this decision.

### Application for costs

2. An application for costs was made by Ms Jessica Emmerson against Darlington Borough Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of residents in the area with regards to noise and disturbance.

### Reasons

4. The proposal would include eight kennels and a play area within an existing building, as well as a fenced outdoor dog exercise area near to the building. Dogs would be kept on the premises during the day, but would not be kept overnight. The appeal site is located in a rural area, and the nearest noise sensitive properties are a number of dwellings located across Walworth Road.
5. In response to concerns expressed in relation to a previous proposal on the site, the appellant has commissioned a Noise Impact Assessment (NIA) to consider noise issues. To establish an appropriate parameter for assessing

noise impacts, the NIA identifies a daytime noise level limit of 55dB  $L_{Aeq,16hr}$  which reflects the noise limit criteria used by the Irish planning appeals board for dog kennels.

6. Sound measurements were taken on the basis of 8-10 dogs barking simultaneously within the outdoor dog exercise area, as this was considered to represent the worst case scenario. When allowing for attenuation due to both distance to the nearest noise sensitive location and the barrier effect of the kennel building, the NIA calculates that the worst case noise level would be 55dB(A). This would satisfy the identified parameter, albeit only just. However, I am mindful that this is based on a worst case scenario, and that noise levels from the proposal are likely to be significantly less. Furthermore, mindful of the provisions of the Noise Policy Statement for England, I am satisfied that the layout of the site combined with appropriate planning conditions would mitigate and minimise potential adverse impacts on noise sensitive locations.
7. Concern has been raised that the noise assessment method is based on a method used in Ireland rather than England. However, there is no standard method for assessing noise from dog kennels within England, and there is no substantive evidence before me that the method used in Ireland is fundamentally inappropriate. I acknowledge that there are a variety of other assessment methods used elsewhere in England, although I note that there is no method for assessing noise from dog kennels adopted by the Council. Based on the evidence before me, I conclude that the assessment method used by the NIA is appropriate, both in terms of identifying the appropriate noise parameter and undertaking the assessment based on a worst case scenario.
8. The NIA refers to existing daytime noise levels from traffic being greater than that predicted from the proposed kennels. However, due to the different characteristics of the noise from dogs barking compared to that from passing vehicles this matter does not weigh significantly in favour of the proposal. Nevertheless, this does not lead me to a different conclusion in respect of the results of the NIA.
9. The appellant also makes reference to noise from domestic dogs kept at nearby dwellings. However, due to the difference in likely levels of agitation associated with dogs housed on a temporary basis in kennels as opposed to their usual home, I do not consider that the noise from existing domestic dogs reflects the potential noise from the proposal.
10. The distances quoted in the NIA have also been questioned. However, based on my observations on site and submitted evidence including the overall site layout plan, the figures given in the NIA accurately reflect the separation distances between the outdoor exercise area and the nearest noise sensitive dwellings. Furthermore, the effect of prevailing wind direction would also have limited effect on noise levels due to the limited distance of the appeal site from dwellings.
11. Reference has also been made to the World Health Organisation (WHO) guidelines. However, as indicated by the appellant's noise consultant, the WHO figures would include periods of relative quiet, whereas the figure calculated by the appellant's NIA is based on only periods when dogs were barking. The 55dB identified by the NIA would almost certainly be reduced if extended over the whole time period referred to by the WHO. The evidence therefore



suggests that the WHO figures are not suitable for the assessment of the proposed kennels.

12. Based on what I have seen and read, I conclude that the proposal would not lead to undue harm to the living conditions of nearby residents as a result of noise and disturbance. The proposal would therefore not conflict with policy CS16 of the Darlington Core Strategy 2011 which seeks to ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the local community.

### **Other Matters**

13. A number of comments raised locally have referred to potential harm to highway safety arising from the proposed access. Although the access is located on a bend in the road, this would have the effect of reducing traffic speeds. Based on the evidence before me, including the comments from the Highways Development Control Engineer, and my own observations the proposal would provide visibility splays appropriate for this location. The number of traffic movements generated by the proposal would also be limited. I therefore conclude that the proposal would not have an unacceptable impact on traffic safety.
14. Concerns have also been raised in respect of a drainage ditch to the front of the site, although I note that the Council's Highways Development Control Engineer is satisfied that works affecting the ditch this can be appropriately controlled and I see no reason to disagree.
15. A public right of way also passes near to the appeal site. However, I do not consider that the kennels will act as a deterrent to walkers due to the short length of time it would take for people to pass the property and subject to a suitable management plan for the site, which can be required through a condition. The management plan and enclosures at the site would also mitigate concerns in respect of dogs escaping.
16. Reference has been made to a Cat Rescue Sanctuary operating from a nearby premises. However, the status of this use does not fall within the remit of the appeal before me. The issue of potential disturbance from dogs being agitated by the presence of cats should also be addressed as part of the management plan for the kennels. The lawfulness of the garage building has also been raised, however there is no substantive evidence that the garage has been erected unlawfully and in any event there are other methods for determining the lawfulness or otherwise of the building.
17. My attention has been drawn to a case in Stevenage which related to dog boarding kennels. However, I have not been provided with full details of this case and so cannot be certain it represents a direct parallel to the appeal before me, which I have determined on its individual merits.
18. Representation has been made that human rights with regard to the right to a family life should be taken into account. However, I have found that the proposal would not lead to undue harm to the living conditions of residents, subject to appropriate controls. I am also mindful that the proposal would deliver the public benefit of supporting a prosperous rural economy through the growth of business in a rural area as set out in the National Planning Policy Framework. I therefore find that no disproportionate interference with

Article 8, or Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, would occur as a result of the proposed development.

19. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed buildings on the opposite side of Walworth Road. The significance of these designated heritage assets is summarised by the list descriptions. I saw that the effect of the proposal would be such, taking into account scale, arrangement and physical separation, that the setting of the listed buildings and their significance would not be adversely affected. I note that this reflects the Council's conclusion on this matter.

### **Conditions**

20. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of the conditions for clarity. Having regard to the provision of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant has been given the opportunity to comment on any pre-commencement conditions that I have considered necessary. The appellant has accepted the proposed conditions.
21. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
22. Conditions in relation to the times of operation, the number of dogs, overnight use and a management plan are appropriate in the interests of the living conditions of residents in the area. It is appropriate that the management plan should be submitted and approved at the pre-commencement stage so that all appropriate site management measures can be assessed at an early stage and none ruled out by building operations or associated infrastructure.
23. Conditions requiring details of the access gate and direction of opening are required in the interests of character and appearance and highway safety. These details of the gate should be submitted and approved at the pre-commencement stage so that appropriate access measures can be assessed at an early stage and not ruled out by ground works, landscaping operations or associated infrastructure. A public right of way management plan is also required in the interests of public access and highway safety. The details should be submitted and approved at the pre-commencement stage as they may relate to extant features which could otherwise be affected by site clearance or building operations.
24. A scheme for the protection of existing trees and hedges to be retained is also required in the interests of character and appearance. This scheme is required at the pre-commencement stage as it may relate to extant features which could otherwise be affected by site clearance or building operations.

## Conclusion

25. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

*David Cross*

INSPECTOR

### SCHEDULE OF CONDITIONS.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L017114-012 Rev A - Proposed Plans and Elevations; L017114-014 Rev B - Proposed Site Layout Plan; L017114-015 - Overall Site Layout Plan; and L017114-016 - Visibility Splays.
- 3) The business hereby approved shall not operate outside the hours of 07:30 to 19:30 Monday to Saturday only. The kennels and associated access shall be closed on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4) The business hereby approved shall be for no more than eight dogs unless otherwise agreed in writing by the Local Planning Authority.
- 5) No dogs associated with the business hereby approved shall be kept in the kennels or external areas overnight unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to the commencement of the use hereby approved, precise details of the, height, design, location and materials of the access gate 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 prior to the commencement of the use.
- 7) Prior to the commencement of the use hereby approved, a Public Right of Way Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details as to how Footpath Number 3 in the Parish of Walworth will remain safe and accessible during the construction phase and once the use is operational. The development shall not be carried out otherwise than in complete accordance with the approved details prior to the commencement of the use.
- 8) Notwithstanding condition 6, the approved access gate shall not open outwards over the public highway.
- 9) Notwithstanding the details shown on Drawing Number L017114-014 Rev B (Proposed Site Layout Plan), a scheme to protect the existing trees and hedges to be retained shall be fully implemented prior to the commencement of the development. The scheme shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and

horizontals to dissuade encroachment. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees or hedges:

- 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; and
  - e. Driving of vehicles or storage of materials and equipment.
- 10) Prior to the commencement of the use, a Management Plan for the keeping of dogs shall be submitted to and approved in writing by the Local Planning Authority and thereafter the use shall not operate otherwise than in complete accordance with the approved Plan.

**END OF SCHEDULE**

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## Costs Decision

Site visit made on 8 April 2019

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 May 2019**

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### **Costs application in relation to Appeal Ref: APP/N1350/W/18/3219041 Castle Farm, Walworth Road, Walworth DL2 2LU**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ms Jessica Emmerson for a full award of costs against Darlington Borough Council.
  - The appeal was against the refusal of planning permission for change of use of ground floor of existing domestic garage to commercial kennels for up to 8 dogs (use class Sui Generis) and creation of parking area for 4 no vehicles and new vehicular access from Walworth Road.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant contends that the Council has given no weight to the evidence in the form of a noise survey. However, the evidence in respect of noise is not as clear and incontrovertible as the appellant contends. Whilst the appellant's noise evidence is robust and was an important consideration in my allowing the appeal, the range of potential assessment procedures reflects the variation in the approach to assessing noise from dog kennels. Moreover, the predicted noise level at the nearest noise sensitive location is very close to the selected parameter. Although the noise assessment was based on a worst case scenario, the calculated specific noise level indicates that the result is more finely balanced than suggested by the appellant.
4. I acknowledge that Planning Officers recommended that the planning application be approved and that the Environmental Health Manager did not object to the proposal. Whilst the assessment of noise is to some extent a professional technical exercise, the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This is reflected in the comments of the Environmental Health Manager who expressed caution in respect of reference to specific noise levels and the complex nature of complaints in relation to noise from dogs barking. The complexity of assessing noise in relation to commercial dog kennel operations is also set out in the Council's appeal statement.

5. Council Members are not obliged to follow the advice of officers. It is clear from the minutes of the Planning Application Committee that Members considered the noise impact assessment and the rebuttal letter prepared by the appellants noise consultant. This indicates that Members had undertaken a full and appropriate assessment of the proposal and supporting evidence with regards to noise prior to reaching their decision. For the reasons stated previously, the consideration of noise issues in this case is not as clear cut as the appellant suggests. Whilst I have allowed the appeal, I do not consider that the Council's decision was so perverse or without substantiation as to represent unreasonable behaviour.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

*David Cross*

INSPECTOR

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## Appeal Decision

Site visit made on 13 May 2019

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 May 2019**

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**Appeal Ref: APP/N1350/D/19/3223310**

**43 Staindrop Crescent, Darlington, Durham DL3 9AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Mark Hinnigan against the decision of Darlington Borough Council.
  - The application Ref 18/01051/FUL, dated 8 November 2018, was refused by notice dated 14 January 2019.
  - The development proposed is domestic garage to front of property.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the time of my site visit I saw that development had commenced and that walls had been erected on the site.
3. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed. Whilst the Council may have notified the appellant of the change of description, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. The appeal site is located within an area which has a pleasant suburban appearance, which the mature front gardens of dwellings make a positive contribution. Due to the sloping topography of the area, the neighbouring properties to the appeal site have sloped front gardens or a terracing arrangement which are a characteristic feature of the street scene.
6. Within this context, the construction of a garage hard up against the edge of the footpath will appear as a stark and incongruous feature within the street scene. The projection of the garage above the generally sloping or terraced front gardens will also lead to an angular and obtrusive appearance. Whilst a

car parking bay may have pre-existed on the site, the evidence suggests that this was of a form which reflected the sloping layout of the front gardens.

7. The appellant contends that the garage would not be readily visible from nearby properties. However, I saw that it will be a prominent feature when viewed from the highway to the front of the site. Even allowing for the parking of vehicles in the area, the garage will be readily visible as a discordant feature within the street scene.
8. I saw that a neighbouring property also has a garage to the front. However, this was set back from the front boundary which mitigates the effect on the street scene. Whilst a number of nearby properties have hardstanding areas to the front, these reflect the sloping topography of the area and have maintained the open characteristic of the front gardens. The circumstances of the neighbouring properties are therefore materially different from the appeal before me.
9. I conclude that due to its siting and design the proposal would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy H12 of the Borough of Darlington Local Plan 1997 which seeks to ensure that alterations and extensions to existing dwellings are in keeping with the street scene and surrounding area, amongst other things.
10. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR



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of the Local Government Act 1972.

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