



DARLINGTON
Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 7 December 2022
Council Chamber, 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. To Approve the Minutes of the Meeting of this Committee held on 9 November 2022 (Pages 5 - 20)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 21 - 22)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 23 - 24)
 - (a) Land East Of Lingfield Estate, Lingfield Point, Darlington (Pages 25 - 56)
 - (b) West Newbiggin Farm, Norton Back Lane, Sadberge, Darlington, DL2 1SU (Pages 57 - 76)
6. 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
7. Questions

PART II

8. Notification of Decision on Appeals -

The Chief Executive will report that the Inspectors appointed by the Secretary of State for the Environment have: -

Dismissed the appeal by Town & Country Advertising Limited against this Authority's decision to refuse permission to display 2no. illuminated LED sign boards at Land at former Dainton Stie, Yarm Road, Darlington DL1 4JN (22/00398/ADV) (Copy of Inspector's decision enclosed)

Dismissed the appeal by Tim Paver against this Authority's decision to refuse permission to undertake work to trees protected by a Tree Preservation Order at Land at 20 Freville Grove, Darlington, DL3 9QN (21/01208/TF) (Copy of Inspector's decision enclosed)

Dismissed the appeal by Ms P Fletcher against this Authority's decision to refuse permission for the construction of one 2 bedroom single storey dwelling and one 3 bedroom two storey dwelling at 87 Barmpton Lane, Darlington, DL1 3HG (20/01126/FUL) (Copy of Inspector's decision enclosed)

Recommended – That the report be received.
(Pages 77 - 88)

9. Notification of Appeals -

The Chief Executive will report that: -

Mr Connor Gowling has appealed against this Authority's decision to refuse permission for the re-location and increase in height of boundary fence to 2m (Retrospective application) at 12 Redworth Road, Darlington DL3 0BL (22/00716/FUL)

Cornerstone have appealed against this Authority's decision to refuse permission for Prior Approval for the installation of telecoms equipment including 17.5m high monopole supporting 6 no. antennas and 2 no. 300mm dishes, installation of 2 no equipment cabinets, bollards and associated ancillary works (amended plans received 17 March 2022) at Land at Abbey Road Sports Field, Darlington, DL3 8HL (21/01445/PA)

Helen Whittington has appealed against this Authority's decision to refuse consent to carry out works to protected trees at Friends Burial Ground, rear of Friends Meeting House, Skinnergate, Darlington, DL3 7NB (22/00111/TF)

Recommended – That the reports be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

10. 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.

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 25 November 2022 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 89 - 98)

12. 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

13. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 29 November 2022

Town Hall
Darlington.

Membership

Councillors Allen, Bartch, Cossins, Haszeldine, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, McCollom, Sowerby and Tait

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, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 9 November 2022

PRESENT – Councillors Mrs D Jones (Chair), Allen, Bartch, Cossins, Heslop, C L B Hughes, Johnson, Laing, Lee, McCollom and Sowerby.

APOLOGIES – Councillors Lister and Tait.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA36 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA37 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 19 OCTOBER 2022

RESOLVED – That the Minutes of this Committee held on 19 October 2022, be approved as a correct record.

PA38 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA39 BISHOPTON LAND SOUTH OF GATELY MOOR RESERVOIR, REDMARSHALL ROAD, BISHOPTON

22/00727/FUL - Solar farm and energy storage facility together with associated works, equipment and infrastructure (cross boundary application with Stockton Borough Council) (amended site layout plan received 26 August 2022, further amended site layout plan, landscape and green infrastructure plans, addendum to LVIA (cumulative impact assessment) and response to consultees received 29 September 2022 and amended biodiversity management plan received 18 October 2022)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, the Environmental Health Officer, the Lead Local Flood Authority, the Council's Conservation Adviser, the Durham County Council Archaeology Department, the Council's Ecology Adviser, the Council's Rights of Way Officer, seven letters of objection received, the objections of Bishopton Parish Council, the objections of CPRE Durham, and the views of the Applicant's

Agent, two Objectors and a representative of Bishopston Parish Council, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit)
2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the Local Planning Authority.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:
 - (a) Site location plan, drawing number P20-0234_03F dated 8.6.2022
 - (b) Site layout plan, drawing number P20-0234_04O dated 28.9.2022
 - (c) Landscape mitigation proposals, drawing number P20-0234_12F dated 28.9.2022
 - (d) Green infrastructure plan, drawing number P20-0234_19A dated 28.9.2022
 - (e) Inverter station elevations, drawing number GMSF_CS21GB001_01 dated 16.5.2022
 - (f) Panel elevations bifacial, drawing number GMSF_CS21GB001_02 dated 16.5.2022
 - (g) Customer Station Elevation, drawing number GMSF_CS21GB001_04 dated 16.5.2022

- (h) Cable Trench Cross Section, drawing number GMSF_CS21GB001_05 dated 16.5.2022
- (i) Fence and Gates, drawing number GMSF_CS21GB001_06 dated 16.5.2022
- (j) Spare Parts Building Details, drawing number GMSF_CS21GB001_07 dated 16.5.2022
- (k) Battery Storage Elevations, drawing number GMSF_CS21GB001_08 dated 16.5.2022
- (l) Meteo Station Details, drawing number GMSF_CS21GB001_09 dated 16.5.2022
- (m) CCTV Pole Details, drawing number GMSF_CS21GB001_10 dated 16.5.2022
- (n) Road Cross Section, drawing number GMSF_CS21GB001_11 dated 16.5.2022

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

5. Prior to the commencement of the development hereby permitted a final biodiversity management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final biodiversity management plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

REASON – To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

6. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and the results of the survey and any necessary mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be implemented in full.

REASON - To ensure any impacts on protected species can be appropriately mitigated.

7. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity

8. Tree protection measures outlined in the Arboricultural Impact Assessment shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site. This shall include:

- Permanent perimeter site deer fencing which will provide protection to site trees and hedgerows during construction; and
- Temporary site tree protection fencing centrally within the site and described in paragraph 6.2 of the Arboricultural Impact Assessment

REASON – To safeguard and enhance the character and amenity of the site, and to avoid any reversible damage to retained trees.

9. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

REASON – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

10. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

11. Prior to the commencement of the development, precise detail of access(es) shall be submitted to and approved in writing. Details shall include visibility splays, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

REASON – In the interests of highway safety.

12. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

13. Any unexpected ground contamination identified during subsequent construction/demolition 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. The development must be 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.

14. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing, the following details:
- i. Detailed design of the surface water management system (for each phase of the development)
 - ii. A build programme and timetable for the provision of the critical surface water drainage infrastructure
 - iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
 - iv. Details of adoption responsibilities.

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance Darlington Local Plan Policy DC2 and the National Planning Policy Framework, 2021.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Gately Moor Solar Farm Flood Risk Assessment, Issue 01 dated 17th June 2022.

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

16. The development hereby approved shall not be brought into use until:
- i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said development
 - ii. The drawings of all SUDS features have been submitted and approved in

writing by the Local Planning Authority. The drawings should highlight all site levels, including the 30 year and 100 year +cc flood levels and confirmation of storage capacity

- iii. A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

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

17. No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation will then be carried out in accordance with the approved strategy.

REASON – To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF). This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

18. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF).

19. No gates shall be designed to open out from the access track which bisects Footpath No. 7 in the western part of the application site over the footpath.

REASON - To safeguard the amenities of users of the public right of way.

20. Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

REASON – To minimise possible light pollution in the interests of visual and residential amenity

22/00213/FUL - Installation of a solar farm comprising of ground mounted bifacial solar panels, access tracks, string inverters, transformers, substation, storage containers, underground cables and conduits, perimeter fence, temporary construction compound and associated infrastructure and planting scheme (Supplementary Heritage Statement received 1 June 2022, amended site layout plan received 22 June 2022, additional Biodiversity Management Plan received 19 July 2022, amended site layout plan, mitigation plans and biodiversity management plan received 11 October 2022, biodiversity metric received 12 October 2022 and amended biodiversity management plan received 14 October 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, the Council Environmental Health Officer, National Highways, Network Rail, British Transport Police, Durham County Council's Archaeology Section, the Council's Ecology Officer, the Council's Rights of Way Officer, the Heritage Action Zone Project Officer, one letter of support received, the support of Whessoe Parish Council, the objections of the Friends of the Stockton and Darlington Railway, the objections of CPRE Durham, the objections of Durham Bird Group, the objections of Savills, on behalf of Hellens Land and Homes England, and the views of the Applicant, one Objector and one Supporter, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the completion of a Section 106 Agreement and the following conditions:

1. A3 (Standard 3 year time limit)
2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid after 5 years from the commencement of development. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works above and below ground to a depth of a minimum of 1000mm hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm does not export electricity for a continuous period of 12 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the

Local Planning Authority. Alternatively, valid reasoning for the inactivity of the development should be provided in writing to the Local Planning Authority not later than 12 months following the last export of electricity.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:
- (a) Proposed site layout plan, drawing number GBR.0008.DEV.MA.001.0.O dated 11.10.2022
 - (b) Proposed mitigation plan, Figure LV5, Version 1, dated 11.10.2022
 - (c) Proposed mitigation plan, Figure LV5, Version 2, dated 11.10.2022
 - (d) Typical solar panel, Figure 3
 - (e) Typical arrangement of solar panel rows, Figure 4
 - (f) Typical transformer unit, Figure 5
 - (g) Typical client substation/control room, Figure 6
 - (h) Typical DNO substation, Figure 7
 - (i) Typical substation fencing, Figure 8
 - (j) Typical cable trench detail, Figure 9
 - (k) Typical storage unit, Figure 10
 - (l) Proposed site entrance, Figure 11
 - (m) Typical site track detail, Figure 12
 - (n) Typical ditch crossing, Figure 13
 - (o) Typical site fence, Figure 14

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

5. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity

6. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:
- (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 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"
- (c) Vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements.

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

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

- 7. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

- 8. Prior to the commencement of the development, precise detail of access(es) shall be submitted to and approved in writing. Details shall include visibility splays, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

REASON – In the interests of highway safety.

- 9. Precise details of the boundary fencing shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways prior to the commencement of the development. The details shall include details of the height, design and location of the fence. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the safe and efficient operation of the A1(M) Motorway and to ensure that National Highways retain reasonable access onto motorway land and that opportunities for errant access are reasonably minimised.

- 10. No development shall commence of any phase of the development until a Construction and Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall specifically include:

- Access arrangements specifically ensuring that the site is not at any stage accessed from the Strategic Road Network (SRN)
- Impacts from the construction site on the A1(M)

- Workforce/contractor parking and access; and
- Details of delivery arrangements

REASON – To ensure that the A1(M) 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.

11. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the Local Planning Authority) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timescale.

REASON – In the interest of the safety, operational needs and integrity of the railway.

12. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. Thereafter the development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of the safety, operational needs and integrity of the railway.

13. A suitable trespass proof fence shall be erected adjacent to Network Rail's boundary, details of which shall be submitted to and approved in writing by the Local Planning Authority, to include provision for its future renewal and maintenance. The fence shall be erected in accordance with the approved details and shall be maintained for the lifetime of the development.

REASON – In the interest of the safety, operational needs and integrity of the railway.

14. Prior to the commencement 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 documents by a suitably competent person(s) in accordance with the 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 full 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 future users 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.

15. Prior to the commencement 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 the 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 future users 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.

16. Prior to the commencement 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 the 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 future users 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.

17. 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 a 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 future users 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.

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

A Phase 4 Verification and Completion Report shall be compiled and reported by a suitably competent person(s), documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing by 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 future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation will then be carried out in accordance with the approved strategy.

REASON – To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF). This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

20. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of

Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF).

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Burtree Lane Solar Farm Flood Risk Assessment & Drainage Strategy, Version 3.0 RAB:2681L dated 4th March 2022.

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

22. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All known existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

REASON – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

23. Prior to the commencement of the development hereby approved (including demolition work, details shall be submitted of a scheme to protect those existing trees to be retained as part of the development. The submitted details shall comprise generally the specification laid down within BS 5837 and where necessary shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachments. 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 protection works prior to the commencement of any of the work to allow an inspection of the measures to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

- (e) Driving of vehicles or storage of materials and equipment.

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

24. Prior to the commencement of the development hereby approved, details of a scheme to include the upgrading of the section of Footpath No. 6 in the Parish of Whessoe within the application boundary and under the applicant's control shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the upgrading works shall be implemented in accordance with the approved details and shall be available for use prior to the first exporting of power from the approved development.

REASON – To comply with Local Plan Policy ENV2.

25. Prior to the commencement of the development hereby approved, details of a scheme for the siting and design of an information board along the route of Footpath No. 6 in the Parish of Whessoe within the application boundary to promote understanding of the Stockton and Darlington Railway in this location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the information board shall be provided in accordance with the approved details and prior to the first exporting of power from the approved development.

REASON – To comply with Local Plan Policy ENV2.

26. Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

REASON – To minimise possible light pollution in the interests of visual and residential amenity

27. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and water voles, and the results of the survey and any necessary mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be implemented in full.

REASON - To ensure any impacts on protected species can be appropriately mitigated.

PA41 OBJECTION TO TREE PRESERVATION ORDER NUMBER 2022 NO. 8 - 23 MERRYBENT, DARLINGTON

The Chief Executive submitted a report (previously circulated) to advise members that an objection has been received in respect of Tree Preservation Order Number 2022 no.08. The

objection relates to this order which covers one mature Birch Tree (*Betula spp*) growing within the front garden.

The submitted report stated that Tree Preservation Order 2022 no. 08 was made on 15 September 2022 on one mature Birch Tree growing within the front garden of 23 Merrybent, Darlington, under powers derived from section 198(1) of the Town and Country Planning Act 1990. The Tree Preservation Order was made due to the possibility that the tree may at some point be damaged by unacceptable pruning. In the opinion of the Local Planning Authority it is considered expedient to protect the tree by the making of a Tree Preservation Order as due to its reasonable form and condition and location to the front of the property it contributes to the amenity of the surrounding area.

It was reported that an objection had been received from a neighbour at 21A Merrybent on the grounds that the tree to be protected is a single tree which is not considered to contribute to the overall visual amenity of this area and that there are many similar trees along in the vicinity of equal quality which are not protected; and that the placing of the order may hinder the objector's current planning appeal in respect of the erection of a garage to the front of their property.

RESOLVED – That the TPO be confirmed without modification.

PA42 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had :-

Dismissed the appeal by Town & Country Advertising Limited against this Authority's decision to refuse permission to display 2no. illuminated LED sign boards at Land at former Dainton Stie, Yarm Road, Darlington DL1 4JN (22/00398/ADV).

Dismissed the appeal by Tim Paver against this Authority's decision to refuse permission to undertake work to trees protected by a Tree Preservation Order at Land at 20 Freville Grove, Darlington, DL3 9QN (21/01208/TF).

Dismissed the appeal by Ms P Fletcher against this Authority's decision to refuse permission for the construction of one 2 bedroom single storey dwelling and one 3 bedroom two storey dwelling at 87 Barmpton Lane, Darlington, DL1 3HG (20/01126/FUL).

RESOLVED – That the report be received.

PA43 NOTIFICATION OF APPEALS

The Chief Executive reported that :-

Mrs Claire Greenall had appealed against this Authority's decision to refuse permission for the erection of 1.8m fence to side and rear of the property at 43 Paton Way, Darlington, DL1 1LP (22/00456/FUL).

RESOLVED – That the report be received.

PA44 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

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

PA45 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 27 OCTOBER 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA35/Oct/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 October 2022.

RESOLVED - That the report be noted.

When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 7th December 2022

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

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

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

Address/Site Location	Reference Number
Land East Of Lingfield Estate Lingfield Point DARLINGTON	22/00423/FUL
West Newbiggin Farm Norton Back Lane SADBERGE DARLINGTON DL2 1SU	22/00135/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 December 2022

APPLICATION REF. NO:	22/00423/FUL
STATUTORY DECISION DATE:	5 th August 2022
WARD/PARISH:	REDHALL & LINGFIELD
LOCATION:	Land East Of Lingfield Estate Lingfield Point DARLINGTON
DESCRIPTION:	Industrial development comprising of the erection of 3 no. industrial buildings of Class B2 and/or B8 use (industrial, storage and distribution) with ancillary office space, access, gatehouse, landscaping, parking, service areas and associated works (Archaeological Watching Brief received 19th May 2022) (Gas Addendum received 15th June 2022) (Phase 2 Ground Investigation Report received 27th June 2022) (Deposit Model and Impact Assessment received 11th July 2022) (Additional external lighting information received 29th July 2022)
APPLICANT:	PREMCOR ESTATES LIMITED

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAN72EFPDHU00>

1. The application site, which measures some 10ha, is situated to the south of Tornado Way, between Lingfield Point to the west and Symmetry Park to the east. Tornado Way runs in an east-west direction connecting the site to Darlington town centre to the west,

and directly to the A66 to the east. Lingfield Way runs north south through the Yarm Road Industrial Estate to the south and terminates to the south of the application site. The predominant uses in the vicinity are commercial and employment (industrial and storage & distribution uses) with a limited number of residential properties located to the south west of the site at Lingfield Close.

2. Planning permission is sought for the erection of three buildings for industrial and storage and distribution uses with associated office floorspace, access, landscaping and parking and service areas. The proposed development would utilise the existing road infrastructure serving the site including a signalised junction on Tornado Way and includes the following:
 - Three industrial buildings totalling up to 37,361sqm (GIA) of Class B2 and / or B8 uses (light industrial, general industrial and storage and distribution uses) with ancillary office space and associated buildings including substations and a gatehouse;
 - Significant green space / soft landscaping (including drainage pond) across the site including a balancing pond; and
 - A vehicle access / egress point from the west of the site.
3. It should be noted that a previous outline application (21/01468/OUT) was submitted in 2021 for a similar development. That application has since been withdrawn. The application states that the decision to submit a detailed application has been taken because the applicant now has greater certainty as to the size and type of accommodation that industrial end-users require in this location. The supporting information goes on to state that it is also expected that the grant of detailed planning permission (rather than outline permission) will enable the scheme to be developed out over shorter timescales and in one single phase.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

4. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
5. 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.

STATEMENT OF COMMUNITY INVOLVEMENT

6. The Council's Statement of Community Involvement (Part 2) (August 2018) (SCI) sets out when the Council expects developers to undertake pre-application community consultation. The proposed development falls into those instances where pre-application community consultation is advised, being the development of a site of 1ha or more in size.

7. The SCI sets out what form the engagement could take, and requests that where pre-application community engagement has taken place, the applicant should include a statement with their planning application to detail what has been done, and how that has been reflected (or not) in the scheme.
8. As part of the original outline application referenced above, an SCI was prepared and submitted, and public consultation was carried out over a three-week period (15th November 2021 – 3rd December 2021). The focus of the community engagement process was the undertaking of an online public consultation and leaflet drop to homes and businesses in the surrounding area. In addition contact was made with Ward Councillors for Red Hall and Lingfield, and Stephenson, inviting them to review and comment on the proposals.
9. The current application states that although the scheme included in this application differs from the previous submission, both in terms of the type of application i.e. full planning opposed to outline and the range of uses included, the overarching nature (industrial within Class B2 / B8) of the proposed development remains the same. In terms of the proposed uses, the most notable differences relate to the previously proposed food and drink units (within Use Class E(a) and / or E(b) and / or hot food takeaway (sui generis use)) and petrol filling station (with associated retailing (Class E(a))), both of these elements have been removed from the revised scheme. The applicant considers that the difference between the applications does not impact on the relevance of the responses from the public consultation exercise on the basis that the majority of the supporting comments were made solely in relation to the proposed industrial units and the benefits they will bring to the local area. This detailed scheme delivers an increase in overall B2 / B8 floorspace in comparison to the outline proposals.
10. Some concerns were raised relating to the over provision of petrol filling stations and food outlets in the local area. These elements of the scheme were removed. Any other concerns raised have been addressed in the SCI response document and through the submission of supporting detail as part of this new application.

PLANNING HISTORY

11. In recent years, planning permission for industrial and storage and distribution uses has been granted on adjacent sites. The planning history of the application site consists of a series of planning applications dating from the late 1990's for mixed use employment and business uses, with the most recent submission in 2016 for housing (none of which resulted in an approval) as follows:
 - 96/00042/OUT - Application to renew outline planning permission 8/93/339/DM dated 18 October 1993 for the erection of a mixed industrial commercial, retail, entertainment, leisure, business, hotel petrol station, office, warehouse – WITHDRAWN (03 June 1997)

- 99/00042/OUT - Mixed use development of prestige employment & business uses, hotel with conference/leisure facilities, pub/restaurant, drive-thru restaurant, non-food retail, PFS, access & infrastructure – REFUSED (23 October 2002)
- 01/00081/OUT - Outline application to develop DIY store with builders' yard and garden centre (13,006sqm) and employment floorspace innovation centre workshops (totalling 7989sqm) public house and restaurant – WITHDRAWN (04 October 2001)
- 16/00985/OUT - Outline application for erection of up to 280 residential dwellings (with all matters except access reserved) (Additional information (Air Quality Assessment) received 21st October 2016) – FINALLY DISPOSED OF (21 June 2019)

MAIN PLANNING ISSUES

12. The main issues for consideration are:

- (a) Principle of the proposed development
- (b) Visual amenity, design and layout
- (c) Impact on residential amenity
- (d) Air Quality
- (e) Highway safety
- (f) Transport policy
- (g) Flooding and drainage
- (h) Ecology issues
- (i) Developer Contributions
- (j) Other matters

PLANNING POLICIES

13. Policy E2 of the plan allocates the application site for the 'Promotion of New Employment Opportunities'. It states that planning permission will be granted for general industrial (Use Class B2), storage and distribution (Use Class B8), and office, research and development use within Class E(g). Other relevant planning policies in the determination of this application include the following requirements:

- Compliance with the settlement hierarchy, Darlington Urban Area being the focus for future development (Policy SH1);
- Proposals must demonstrate that the principles of good design have been followed against a set of criteria including that the proposal must reflect the local environment including layout and landscaping being developed to complement and enhance the ecological function of the local area, that the detailed design responds to the local context, the layout maximises opportunities for natural surveillance. Layout and design must help reduce the need for energy consumption and the buildings will be required to meet BREEAM 'Very Good' Standard. Proposals must provide suitable access, parking and servicing (Policy DC1 and IN4);

- On land affected by contamination, the applicant must demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment; that new developments that could have an impact on pollution, should have mitigation impacts in place, not to have a negative impact on its surroundings new developments to safeguard the amenity of existing users of neighbouring land (Policy DC1 and DC4);
- All developments will be expected to be designed to mitigate and adapt to climate change (Policy DC2). The policy includes a set of criteria regarding flooding and drainage;
- Development proposals such as this which generate a significant number of construction phase jobs should secure appropriate commitments and targets for employment skills and training, including apprenticeships (Policy DC5);
- High quality design in areas of low landscape quality in the urban area, to strengthen local character and distinctiveness, having regard to the Darlington Characterisation Study, Darlington Landscape Character Assessment and the Revised Design of New Development SPD, or their subsequent replacement (Policy ENV3) and the protection and enhancement of green and blue infrastructure (Policy ENV4);
- Developments will be expected to minimise the impact on, and provide net gains for, biodiversity, including establishing coherent and resilient ecological networks (Policy ENV7) with the relevant measures that should be applied for assessing this set out in Policy ENV8;
- Policy IN1 identifies a range of priorities and actions to deliver a sustainable transport network. These measures include, protecting footpaths, cycle routes and bridleways from development; providing new local access roads and key road links to open up the locations for development; and maintaining an efficient bus network by ensuring new developments accommodate the needs of bus users;
- Major developments will be required to engage in the Travel Planning process and produce a Transport Statement. The policy states that a framework travel plan will be appropriate where there is no identified end user or there will be multi-occupancy of a site (Policy IN3);
- The number of spaces provided and the nature of the provision (including provision for motorcycle parking) will have regard to local circumstances and the standards set out in the Tees Valley Highway Design Guide or any successor” that safe, secure, and appropriate cycle parking will be provided within all new developments. For *“Non-Residential development creating over 50 parking spaces should provide at least one double electric vehicle charge point (2 spaces). For each additional 50 parking spaces one double charging point should be provided (Policy IN4);*
- Proposed employment sites of more than 0.5 ha should provide broadband connectivity and ducts for the development (Policy IN8).

RESULTS OF TECHNICAL CONSULTATION

14. The Council’s Environmental Health Officer and Highways Engineer have raised no objections to the proposal subject to conditions. The Local Lead Flood Authority, Rights of Way Officer and Ecology Officer have raised no objections subject to conditions and a suitably worded Section 106 agreement. The Transport Policy team has raised no

objections subject to a financial contribution and this issue is considered further below. National Highways has raised no objections subject to a financial contribution towards strategic network improvements to be set out in a Section 106 agreement.

RESULTS OF PUBLICITY AND NOTIFICATION

15. Three objections have been received in total (Darlington Friends of the Earth, Darlington Forest Project and a local resident), raising the following concerns:
- Impact on ecology / biodiversity net gain not addressed;
 - Impact on protected species;
 - Impact on trees and hedgerows;

PLANNING ISSUES/ANALYSIS

(a) Principle of the proposed development

16. As set out in paragraph 13 of this report, the application site is allocated for employment uses in the Local Plan. Therefore, the principle of the proposed development is in accordance with this allocation, subject to consideration of the details of the proposal against other relevant policies.

(b) Impact on non-designated heritage assets (archaeology)

17. The application was supported by a Deposit Model and Impact assessment undertaken by Prospect Archaeology. This suggests that the impact of previous activity will probably have truncated any archaeological remains that may have been present and suggests that no further work should be carried out. The Historic Environment Record Officer agrees with this assessment and has confirmed that there is no archaeological objection to the proposed development. The proposal therefore complies with policy ENV1 in this regard.

(c) Visual amenity, design and layout

18. The position, scale, design and appearance of the proposed buildings is considered acceptable in the context of the site, which is designed to meet the needs of end users. The palette of materials proposed is limited in order to provide a homogenous scheme. This consists of a combination of profiled metal cladding to the warehouse areas of the buildings in grey colours with a contrasting cladding to the ancillary office areas. The office accommodation will predominantly use flat metal cladding in anthracite grey with curtain wall full height glazing to the entrance door / screens. Buildings will be constructed on a masonry plinth in a smooth black facing brick.
19. A Tree Survey and Constraints report has been undertaken by Elliott Consultancy Ltd to accompany the planning application. These reports provide information on existing trees and hedgerows within the site and outline any loss as a result of the development.

Several trees (of limited value) are set to be removed to enable the proposed development, and this largely consists of two groups of trees along the eastern boundary and part of a separate group of trees to the western boundary. The report explains that expected tree loss is mainly low-level scrub that has self-seeded on site and part of a conifer block of trees. However, the plantations within the south west corner and along the southern boundary of the site are to be retained.

20. To mitigate the loss of any areas of natural landscape features, a landscaping plan has been developed which identifies areas that are proposed to be enhanced to ensure that the development is assimilated successfully into its surroundings and to enhance the appearance of the area, and to meet biodiversity compensatory requirements. The landscaping scheme includes the formation of a balancing pond and substantial areas of perimeter landscaping, including tree retention, significant tree and shrub planting, as well as the creation of species rich wetland and grassland areas, species rich flowering lawn grassland and mixed species native hedge planting, all intended to maximise biodiversity opportunities on site.
21. Conditions are recommended in respect of the implementation of the landscaping scheme. Subject to this, as a whole, the proposed development is considered acceptable in respect of its design and layout and its impact on the visual amenities of the locality both at site level and within the wider context and is considered to comply with the requirements of Policy DC1, ENV3 and ENV4 in this regard.

(d) Impact on residential amenity

22. The application has been submitted together with a Noise Assessment prepared by njd Environmental Associates dated April 2022. This has looked at how noise from the proposed development could impact on the nearest existing residential receptors which are located at Lingfield Close to the south west of the site. Noise sources assessed included:
 - Any increase in road traffic noise;
 - Industrial noise from deliveries to the proposed units, HGV movements on site and vehicle movements within the carparking areas;
 - Mechanical plant noise from mechanical and electrical services plant associated with the proposed units.
23. The report has concluded that noise should not be a prohibitive factor in the determination of the planning application. The layout of the proposed development has been designed to minimise the potential noise impact on the dwellings at Lingfield Close. The access road for the units runs to the eastern side of the proposed buildings maximising the separation distance between the homes and the road. The buildings themselves will then provide some degree of noise mitigation from vehicles on this road. The smallest of the proposed buildings, Unit 3 (which is also predicted to have the lowest traffic flows), is the building located closest to the properties on Lingfield Close.

24. The proposed layout includes plans for a 2m high earth bund to the rear of unit 3 between the loading bays and the properties on Lingfield Close. This bund is an essential noise mitigation feature, and a planning condition should be attached to any approval to secure its implementation prior to occupation of the buildings.
25. The noise assessment makes use of traffic predictions from the transport assessment. The road traffic noise survey concluded that noise resulting from an increase in road traffic noise levels at the closest existing sensitive receptors is not significant and the Environmental Health Officer has agreed with this assessment.
26. In addition to the above, a BS:4142 assessment has been undertaken as well as Cadnaa noise modelling for industrial noise. Data on the noise levels from HGV manoeuvres, car parks and unloading in the delivery bays of the proposed units has been inputted into the model. The report assesses average noise levels from the development. The Environmental Health Officer is satisfied that the report sufficiently demonstrates that the proposed development will be able to operate in a way which does not cause a noticeable and intrusive effect on the existing dwellings.
27. The exact specification of the required plant for ventilation of the proposed buildings and any associated electrical equipment is not yet known. Given the distances to the existing residential units for any such plant which is installed, with suitable noise mitigation in place it should be possible to ensure it is inaudible within the garden areas of the existing dwellings. To ensure that any plant which is installed is not heard by nearby residents, a planning condition is recommended to secure acceptable noise levels, with the background levels to be used in any assessment to be agreed in advance, together with the implementation and retention of any agreed noise mitigation measures.
28. In terms of lighting, the applicant has submitted a proposed lighting layout. The Environmental Health Officer is satisfied that the proposed lighting scheme will not cause a nuisance to nearby residents.
29. In addition to the above, a Health Impact Assessment was submitted in support of the application in accordance with Policy DC3, detailing how health considerations have informed design and taking into account the results of the technical studies detailed.
30. In view of the above, and subject to the conditions in respect of the implementation of the bund and the sound levels for plant and ventilation, the proposal is acceptable in the context of policies DC3 and DC4 in this regard.

(e) Air quality

31. The application has been submitted together with an Air Quality Assessment prepared by Njd Environmental Associates dated April 2022. This has looked at the impact of the development on local air quality during both the construction and operational phases of the development.

32. For the construction phase the report has determined that dust generated can be minimised to a degree where it is 'not significant' provided that suitable mitigation measures are adopted, and the Environmental Health Officer agrees with this approach and raises no objections. A Construction Management plan can be required by condition, which will set out further detail on how dust will be controlled during the construction phase of the development. During the operational phase of the development the assessment has concluded that the impact on existing sensitive receptors will 'be negligible'. The Environmental Health Officer has agreed with the conclusion that because of the prevailing good air quality conditions in the area the impact of this development on local air quality will be negligible.
33. In view of the above, the proposal raises no significant air quality issues and complies with Policy DC3 and DC4 in this regard.

(f) Contaminated land

34. The application has been submitted with a Phase 2: Ground Investigation Report prepared by Arc Environmental dated 30th May 2022 and a subsequent ground gas addendum letter report also by Arc Environmental. The site investigation included: 5 cable percussive boreholes; 10 windowless sampling boreholes; 17 mechanically excavated trial pits; 5 ground gas / ground water monitoring locations. The locations chosen for the above investigations provided good spatial coverage across the proposed development.
35. The site investigation has confirmed what was suspected in the desk top study, notably that the site is covered in a layer of made ground >1m thick which is likely to have been deposited when the adjacent Lingfield Point factory was developed as the 'Paton and Baldwin' wool factory in the late 1940s and early 1950s. It appears that excess spoil from that site's development was placed on the adjacent fields and the site investigation appears to confirm this. Prior to being developed as the wool factory the site was in agricultural use and it was not anticipated that this material would be contaminated. These samples taken during the site investigation have confirmed that this material is suitable for use in type of commercial development being proposed.
36. The ground gas monitoring investigation has undertaken 4 rounds of ground gas monitoring at 5 different locations across the site. Although depleted levels of oxygen and elevated levels of carbon dioxide were recorded in one of the monitoring locations (CP05) there was no flow of gases recorded during any of the monitoring episodes. It seems likely that the results at CP05 could be attributed to localised soil conditions and they are not indicative of wider ground gas issues which could be impacting the site. The Arc ground gas assessment has placed the site which Characteristic Situation one, with no special gas protective requirements being required for the site and the Environmental Health Officer agrees with this assessment.

37. Taken as a whole the Arc Site Investigations have been sufficient to demonstrate that contaminated land will not be an issue for the proposed commercial end use of the development. On the basis of this further information if the application were to be approved there is no requirement to attach any conditions relating to contaminated land to any approval and the proposal complies with Policy DC5 in this regard.

(g) Highway safety

Access

38. Vehicular access is to be taken from the existing roundabout on Eastpoint Road which is located along the western boundary of the site. This is fully constructed and adopted highway under the control of the Highways Authority and includes a 4th arm access stub which was built as enabling infrastructure. As such offsite highway works to enable vehicular access are minimal given the existing infrastructure is largely completed.
39. Works will be required however to provide suitable pedestrian/cycleway crossing facilities at the eastern roundabout stub, including dropped crossings and tactile paving to route movements across the splitter island along with appropriate keep left reflective bollards and footway/cycleway signage and markings in accordance with TRSGD 2016 and the relevant Traffic Signs Manual guidance. Appendix 'E' of the Transport Assessment gives an outline engineering layout of the proposed roundabout works.
40. Existing Pedestrian and cycle links are to be further improved via an extended footway to an existing bus stop located to the north of the site on Tornado Way as presently footway infrastructure does not extend eastwards from the northern end of Eastpoint Rd. An additional footway/cycleway is to be provided though the site and offers connectivity from Lingfield Way.

Parking

41. The applicant wishes for two scenarios for the proposed development to be considered for either B2 or B8 industrial use, in varying magnitude with the associated office use to offer flexibility for potential end users.
42. A total of 533 car parking spaces are to be provided across the site. Each unit/operator has allocated parking which includes a total of 54 or 10% EV Charging spaces.
43. Unit 1 has 241 spaces with the 10% EV equating to 26 spaces. Analysis of parking standards within the Tees Valley Design Guide demonstrates that 190 spaces would be required for B8 use with an additional 31 spaces. The provision proposed is therefore in accordance with accepted guidance for B8 occupation. Where a potential B2 occupier is proposed however a significant shortfall of 209 spaces is apparent. Based on TVDG standards for Industrial occupation, 1 space is required per 45 Squ m gross floor area. (18,859 Squ m) This equates to 419 spaces with an additional 31 office spaces required (total requirement of 450 spaces) or (4 spaces per 10 employees whichever is greater).

44. Whilst both Units 2 & 3 comfortably meet the parking requirements for B8 occupation, again a shortfall is demonstrated when considering B2 use based on the methodology used above. Unit 2 would require 206 spaces + 15 for ancillary office space (total 221) whilst 166 spaces are proposed, giving a shortfall of 55 spaces. With regard to unit 3, B2 occupation would require, 165 spaces + 12 ancillary office use (total 177) whilst 126 spaces are proposed, giving a shortfall of 51 spaces.
45. Under a worst-case scenario, the total shortfall of parking requirements for B2 occupation is therefore 315 spaces. Whilst acknowledging that this is a worst-case scenario, and that ultimately future occupiers are unknown at this time, the applicant has now submitted an alternative Masterplan which demonstrates that additional parking is available in order to meet the TVDG parking standards required for B2 occupation. This is achieved by additional marking of car parking spaces within HGV operational and maneuvering space which whilst required for a B8 operator would not be required for a B2 use class. The scope of works is sufficiently minor to be considered as part of a non-material amendment if required, as it is limited to lining/road marking, and areas of hard paving and surface water discharge would not be changed. Subject to a planning condition which requires submission and agreement of specific details in the context of the anticipated parking demands of the intended occupier and details of any additional parking, should any of the units be brought into B2 use, there would be no objections in terms of parking provision for the site.
46. Regarding the design of parking arrangements, the layout follows accepted guidance with the car parking spaces will have minimum dimensions of 5.0m long and 2.5m wide, with a minimum 6.0m clearance between aisles for access and manoeuvring. Accessible parking spaces will be provided for persons with mobility impairment, with additional zones of 1.2m width to be provided to the side and rear of the accessible parking spaces, which will comprise 5% of the total car parking provision for each unit. The accessible parking spaces will be positioned as close as possible to the main building entrance and with level access to ensure they are as convenient as possible for end users.
47. With regard to operational parking for both B2 & B8 use classes, the TVDG parking standards do not offer explicit guidance on exact numbers but rather the broader guidance of “sufficient operational parking and area of manoeuvring” within the site. It will therefore be necessary for the end user to ensure that sufficient HGV parking is available to meet operational requirements. However large service yards are provided for each unit with, along with HGV parking commensurate to the size of the building.

Internal layout and Connectivity

48. The internal layout of the site has been designed to accommodate the efficient delivery of goods, and access by service and emergency vehicles. The estate roads will be a minimum of 7.3m wide to accommodate the two-way movements of HGVs in accordance with current TVDG specifications for industrial estate roads.

49. It is confirmed the internal estate roads are not intended to be offered for highways adoption as part of the Section 38 Process, and whilst this is accepted given that roads do not serve a strategic highway purpose, internal estate roads should be constructed to Tees Valley Design Guide standards in both construction and geometry to ensure highway safety and robustness of construction for the life of the development.
50. The internal highway infrastructure of the site is of considerable scale, and as such offers resilience for HGV queueing back from access controls/gatehouses which are located well inside the site a considerable distance from Eastpoint Road. The risk of queueing back onto the public highway is therefore considered very low. Minor changes have been made to gate locations and improvements to turning heads in such an event that a large goods vehicle arrives, and the site is closed, turning facilities are provided except for unit 1, which features a gatehouse, where the size of operations would suggest 24-hour operation and the reasonable expectation that the access controls will be permanently staffed, mitigating any requirements for a turning head.
51. Any HGV parking or waiting periods within private roads would be a matter for the site owners/operators to manage and address. The TA confirms that it is intended that an on-site estate team will ensure on-street parking does not take place at any time, except within designated areas. As such this poses no particular concern to the Highways Authority.
52. Each unit has its own dedicated service yard, which includes a 25m turning/spin space. The layout separates out HGV and car movements as far as is practicable given the common entrance point and internal shared roads, however service yards and HGV access points are distinct and separate from car parking areas minimising conflict between cars and HGVs as far as possible.
53. The site has an extensive network of internal pedestrian infrastructure giving a safe means of access to building entrances, tactile paving and dropped crossing points should be provided at strategic places throughout the site to provide good access for all persons including those with mobility or visual impairment. Widened cycleway/pedestrian routes are also provided to give connectivity to each unit for persons arriving by bicycle.
54. Additionally, a shared 3m wide footway/cycleway is proposed, which runs along the western edge of Plot 2 from the existing roundabout infrastructure at the north to the Northern end of Lingfield Way. The applicant has confirmed that this is not intended for adoption as public highway, however it will be a permissive route with use will be granted to the wider public. The route should be lit in the interests of highway safety where pedestrians and cyclist are sharing the route and for reasons of security/surveillance. The route should be maintained and kept open in perpetuity, other than for reasons of periodic maintenance, with a suitably worded planning condition securing the long-term provision of the route. It is considered an essential element of the overall scheme, given that it provides sustainable transport links to bus services and cycleway/pedestrian infrastructure on Lingfield and Allington Way.

Offsite Highway Works

55. Given that the site is likely to be a significant source of local employment, wider pedestrian and cycleway connectivity to the site will need to be secured to both Lingfield Way and Tornado Way for sustainable transport links to bus services and existing cycleway infrastructure. Footway and cycleway links should connect to existing infrastructure and provide safe well lit, traffic free routes to the site. Existing infrastructure is in place in the vicinity of the site and connectivity into cycleways and footways located on the B6279/access link, Morton Park Way and Lingfield Way is easily achieved.
56. In addition to the roundabout works previously discussed, offsite works are needed in order to connect the route into existing pedestrian/cycleway infrastructure on the eastern side of Lingfield Way, as the route does not demonstrate adequate connectivity for pedestrians or cyclists, given that the route just discharges cyclists and pedestrians onto the carriageway. This is not considered appropriate for either pedestrians or cyclists given that this access road is used for operational traffic to the Councils Depot site and other B2/B8 occupiers. The Highways Engineer has therefore requested that the existing cycleway/footway route on the eastern side of Lingfield Way is extended northwards to meet the southern site boundary, and this should be secured by planning condition as part of offsite highway works and be completed prior to occupation of the site.
57. Pedestrian and cycle links are to be further improved via an extended footway to provide connectivity to an existing bus stop is located immediately to the north of the site on the B6279 Tornado Way as presently footway infrastructure does not extend eastwards from the northern end of Eastpoint Road. This will require the construction of approximately 100m of additional footway construction, along with a review of street lighting column locations and signal heads to ensure that sufficient footway widths are available. This can be dealt with by planning condition and should be completed prior to first occupation of the site.

Traffic Impacts & Mitigation

58. The vehicle trip generation associated with the proposed development has been considered for the weekday AM and PM peak periods (07:00 to 09:00 hours and 16:00 to 18:00 hours), as these time periods represent the maximum impact expected on the local highway network from the proposed development, with regards to the known and anticipated peak patterns of demand for the transport system and development-generated trips.
59. The following operational scenarios have been considered in the order to identify the maximum potential level of vehicle trip generation which could be associated with the proposed development:
- Scenario 1: Full site operation as B8 commercial warehousing units.

- Scenario 2: Full site operation as B2 industrial units.
60. The vehicle trip generation associated with the proposed development, under each operational scenario, has been forecast using average vehicle trip rates derived from the TRICS database. The selection parameters used are considered appropriate and an updated Technical Note has been submitted in response to the queries raised by both National Highways and DBC as a Highways Authority regarding generation rates and car parking provision. The technical Note demonstrates that the 'worst case scenario' based on B8 occupation would generate 166 two-way trips in the AM peak hour (08:00-09:00) and 228 two-way trips in the PM peak hour (17:00-18:00).
61. Whilst the submitted Transport Assessment concludes that the traffic generated by the development will not have a "severe impact" and thus warrant refusal under NPPF guidance, the developer will be required to make a financial contribution towards sustainable transport and highway improvements required as part of the local plan infrastructure delivery plan (IDP). Whilst the methodology for apportioning costs to developers is yet to be finalised, in the interest of expedient decision making and in order to offer certainty to the applicant regarding contribution rates, the DETC Sustainable transport study methodology has been used as is consistent with other significant developments which impact upon the A66/Tornado way.
62. A financial contribution has been secured by the Highway Authority/ LPA in conjunction with National Highways to ensure the future delivery of the required strategic highway improvements as identified in the Adopted Local Plan. This is required to ensure the safe and efficient operation of the strategic and main road network for the life of the adopted Local Plan. It should be noted that National Highways have agreed to the amount and triggers for the contribution and on this basis has raised no objection to the proposed development but will be consulted on the S106 at drafting stage to ensure that they are satisfied with the wording of the agreement.
63. Overall, subject to a series of conditions to secure specific details and implementation of off-site highway works, a Construction Management Plan, and parking levels dependent on the needs of any B2 occupiers, together with the securing of a financial contribution for strategic highway improvements through a Section 106 agreement the Highways Engineer and National Highways have raised no objections and the proposal complies with policies DC1, IN1 and IN4 in this regard.

(h) Transport policy

64. Policy IN2 of the Local Plan requires all new development to provide easy access for those who wish to use public transport. In this context there is an expectation that 80% or more of buildings should be within 400m walking distance of a bus stop served by a regular daytime service (at least every 30 minutes). The Transport Policy Officer has requested a public transport contribution to ensure that the site is accessible by public transport to provide a supported or extended bus service for up to five years, at a figure of £150K per year. This is considered further in section (k)(Developer Contributions).

65. Cycle parking/storage has been detailed for each Unit, the cycle parking should be with the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020). Staff and visitor cycle parking should be separate. This detail can be required by a suitably worded condition.
66. At the outset of preparing the detailed planning application, and in accordance with the Council's advice, SAJ produced a Travel Plan utilising the Modeshift STARS Business platform, which sets out opportunities for the effective promotion and delivery of sustainable travel initiatives in connection with the proposed development.
67. The Travel Plan sets out how the proposed development will encourage sustainable travel choices and reduce the need to travel to the site by private car, particularly, single-occupancy journeys. In doing so, the Travel Plan identifies how walking, cycling and public transport can be factored into the development site as sustainable transport modes to minimise the impact of the proposed development on local transport networks. A planning condition is recommended to secure continued compliance with the Travel Plan.
68. Darlington Footpath 35 abuts the southern boundary of this site. The Public Rights of Way Officer had previously expressed concerns (when the outline application was submitted) about the potential of the footpath being overshadowed by one of the proposed buildings. As the car park to the nearest building is situated to the south, to provide a satisfactory distance between the building and the footpath, and a pedestrian link has been provided, the Public Rights of Way Officer has raised no objections to the proposed development and has requested a financial contribution towards improvement of the footpath, and this is considered further in section (k) (Developer Contributions).

(i) Flooding and drainage

69. The Environment Agency's Flood Map for Planning indicates that the development site is within Flood Zone 1. Table 3 of the Planning Practice Guidance to the NPPF states that 'less vulnerable' development is appropriate in Flood Zones 1 and 2. Consequently, the development can be considered to be appropriate in this location. The Framework Technical Guidance states that flood risk should be assessed from all sources, including adjoining land, groundwater, flooding from sewers and flooding from reservoirs, canals, and other artificial sources.
70. A Flood Risk and Drainage Assessment has been submitted to accompany the application, including Surface Water and Foul Water Drainage Assessments. This Assessment complies with the requirements of national and local policy, including in respect of the hierarchical approach to surface water drainage.
71. The accompanying Flood Risk Assessment demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase

flood risk elsewhere and is compliant with the requirements of the National Planning Policy Framework.

72. The Local Lead Flood Authority has confirmed that the applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by conditions. Subject to the recommended conditions, the proposal complies with policy DC2 in this regard.

(j) Ecology issues

73. A Habitat Survey and Assessment was undertaken by INCA to accompany the application to consider the impact on any ecological receptors as a result of the development of the site. The report considers previously recorded information about protected species in relation to the site. The report recommended no further protected species surveys but does recommend some mitigation for bats in the form of a lighting strategy. It also makes some recommendations in respect of birds, for management of the grassland portion of the site, and that removal of any scrub areas take place outside of the bird-nesting season unless a nesting bird check is undertaken prior to works. It goes on to state that grassland provision should also make up a dominant percentage of any on-site or off-site habitat creation in order to address any loss of this habitat for foraging bird species.
74. The biodiversity value of the site has been calculated within the submitted document using an industry-accepted metric – Biodiversity Metric 3.0. That baseline value is 43.87BDU and this assessment is considered acceptable as a baseline. A Framework Biodiversity Gains Plan was also submitted to set out commitments to achieving a Biodiversity Net Gain through the development.
75. As detailed in section (b) of this report, a detailed landscaping scheme has been submitted for consideration which includes significant measures including the formation of a balancing pond and substantial areas of perimeter landscaping, including tree retention, tree and shrub planting, as well as the creation of species rich wetland and grassland areas, species rich flowering lawn grassland and mixed species native hedge planting, all intended to maximise biodiversity opportunities on site as well as enhancing the visual appearance of the site and the surrounding area. This landscaping scheme was developed in conjunction with INCA, the developers appointed ecologist, in order to fully maximise opportunities for on-site biodiversity enhancements and this has included an increase in the redline boundary from the previous (withdrawn) outline application, enabling a greater extent of amenity planting to be introduced into the scheme, particularly along the Tornado Way frontage, whilst also seeking to achieve additional opportunities for on-site biodiversity enhancements.
76. The achievement of an on-site net gain on industrial development can frequently be very difficult due to the nature of development. In this case, the applicant does not control any land beyond the application site in the immediate surrounding area. As is

often the case with industrial / logistics development, it is not feasible to achieve a biodiversity value, post development, within the application site that amounts to a net gain over the baseline value. In this instance, whilst the proposed landscaping and on-site biodiversity enhancements provide some offset, the net loss on-site is calculated as being 27.49 biodiversity units (BDUs). In recognition of the above and the prevailing planning policy position, there is a commitment to compensating for this deficit by delivering biodiversity enhancements off-site, to a level that achieves an overall biodiversity net gain.

77. DBC does not yet have a system in place for providing off-site mitigation on receipt of any financial contributions, therefore the applicants' appointed ecologist has proposed the following in conjunction with its agent, Lichfields:

- It is proposed that the landscaping scheme will be completed within 12 months of the occupation of the buildings to which the permission relates (in order to enable landscaping to take place throughout appropriate planting seasons).
- The LPA will be provided with a validation report, confirming that the on-site biodiversity value is (subject to on-going establishment of the planting), achieving the biodiversity value that has been calculated based on the submitted landscaping plan – 16.38 biodiversity units.
- Within the first 12 months following commencement of development, work will commence on an assumption that the off-site requirement amounts to that of 27.49 BDUs in order to achieve an overall net gain. In that time, a detailed Biodiversity Gains Plan will be devised and submitted to the LPA. The Plan will adopt the following approach and incorporate the following mechanisms:
 - i. The detailed Gains Plan will adopt a hierarchical approach to first seeking to deliver off-site enhancements local to the site: it will first assess the availability of feasible and deliverable opportunities within the Tees Lowland Character Area, as defined by Natural England (that area recorded in DEFRA Magic Mapping, July 2022 and extending across Darlington, towards Richmond and Barnard Castle to the west and to the coast to the east, between Hartlepool and the northern edge of the North York Moors National Park);
 - ii. Engagement with landowners will take place in that area who express a willingness to make available land for implementation and 30-year management of biodiversity enhancements, capable of delivering a minimum of 27.49BDUs;
 - iii. At the end of 12 months following commencement of development, the Biodiversity Gains Plan will be provided, incorporating a progress report, to Darlington Council and the identification of any deliverable opportunities that can be committed to;
 - iv. Where feasible and deliverable opportunities are identified, details of the location, scope of works, anticipated BDU value, and management plan shall be submitted to Darlington Council for approval;

- v. If no feasible and deliverable opportunities are determined in the 12 months' timescale set out above, commitments will be set out in the submitted Biodiversity Gains Plan to achieve net gain through other mechanisms, potentially to include one or more of the following:
 1. A review of opportunities beyond the Tees Lowland Character Area, in the manner set out above;
 2. A review of opportunities available through any Local Nature Recovery Strategies in operation at that time;
 3. Payment to Darlington Borough Council of a developer contribution towards the cost of delivering biodiversity enhancements on Council-owned land. That contribution to be secured through a S106 Agreement entered into at the time of the grant of planning permission (see below);
 4. Payment to a third-party biodiversity credit 'broker' such as the Environment Bank, of an amount sufficient to deliver an enhancement scheme achieving a minimum of 27.49BDUs;
 5. Payment into the anticipated national Biodiversity Credit system of an amount sufficient to deliver an enhancement scheme achieving a minimum of 27.49BDUs.

78. The Framework Biodiversity Gain Plan, and subsequent detailed Biodiversity Gain Plan, will operate alongside, and in accordance with a planning condition and a section 106 agreement, the Heads of Term of which are set out in section (k) of this report. The condition requires the Biodiversity Gains Plan within 12 months of commencement of development, which will demonstrate the viability and feasibility of providing net gain in biodiversity either on site or off-site equivalent to more than 43.87BDU. The condition will be discharged in part upon the submission of the Biodiversity Gains Plan and discharged in full thereafter once the Plan has been fulfilled and a biodiversity net gain achieved and evidenced satisfactorily.

79. The above planning condition, Framework Biodiversity Gain Plan and subsequent detailed Biodiversity Gain Plan will operate alongside a S.106 Agreement; which will deal with a mechanism for payments per unit for any deficit in the event that alternative net gain provision is not achieved. The suggested Heads of Terms are set out in section (k) (Developer Contributions) of this report.

80. In the context of the above, the commitment that the Framework Biodiversity Gains Plan makes to the provision of a net gain, the efforts that the developer has made towards the increase of landscaping on the site through an increase in the redline boundary, the proposed significant level of landscaping to be provided on the site, the acknowledged difficulty in providing any further on-site gain and the lack of any identified DBC sites that any financial contribution at this stage could be used in order to provide a net gain, both the Ecology Advisor and officers consider the approach to be reasonable, and sufficiently ties the developer to achieve the commitments as set out in the submitted documentation and as required by Policy ENV8 and the NPPF.

(k) Developer contributions

81. 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.

82. The agreed Heads of Terms proposes the following:

- A financial contribution of £273,665 in line with the model established as part of the Darlington Eastern Corridor Sustainable Transport Study, with rates based on trip generation, as agreed with National Highways. Payment to be made pro-rata at the time of occupation of each unit (Unit 1 – £144,999.14, Unit 2 £71,481.03, Unit 3 £57,184.83) with the draft 106 to be agreed with National Highways.
- Commitment to providing net gain as set out in the Framework Biodiversity Gain Plan and subsequent detailed Biodiversity Gain Plan will operate alongside a S.106 Agreement; the heads of terms for which, are as follows:
 - a. The agreement will be between the applicant and Darlington Borough Council and will run with any successors in title to the land.
 - b. If required, it will commit the applicant (or any successors) to make a payment to the Council within 3 years of the date of the grant of planning permission;
 - c. That payment will be based upon the biodiversity deficit in the development;
 - d. That deficit amount will be calculated as the difference between the baseline value of 43.87 biodiversity units (BDUs) and the post development biodiversity value of the scheme (calculated as 16.38BDUs);
 - e. That payment will be no greater than £15,000 per biodiversity unit of the deficit amount.
 - f. Any payment will be returned to the payee within 10 years of payment if those monies have not been spent by Darlington Council on works that deliver the deficit amount.
 - g. The payment will not be made if alternative net gain provision is achieved through the measures set out in the Biodiversity Gains Plan and resulting in the full discharge of the above condition within 3 years of the date of the planning permission (or, in the event that a discharge of condition application has been

submitted prior to the expiry of the 3 year period, payment will then be made within 2 months of the date the Council refuses the discharge of condition application (if that time is beyond the 3 year period)).

83. 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.
84. As set out in section (h) of this report, a financial contribution to provide a supported or extended bus service for five years was requested by the Transport Policy Officer due to the development not meeting the expected threshold of 80% or more buildings on site being within 400m walking distance of a bus stop served by a regular daytime service.
85. In considering this issue, it is noted that Section 5.5 of the Transport Assessment identified that the site is located within close proximity of a number of existing bus stops. Further, the proposed development has been designed to capitalise on these existing public transport services by ensuring that pedestrian connections are safe and convenient. This includes the following:
- The provision of an extended section of footway along the eastern side of Lingfield Point Road to connect the site to the existing westbound bus stop on B6279 Tornado Way and, onwards, to Morton Park Way.
 - The provision of a new shared-use route for pedestrians and cyclists along the southwestern boundary of the site, linking between the existing facilities on Lingfield Point Road and Lingfield Way. This will improve north-south connectivity between B6279 Tornado Way and Yarm Road Industrial Estate, as well as providing convenient access from the site to bus stops on Allington Way.
86. The applicant has provided details of the safe walking distances to bus stops within proximity to the proposed development (distances measured from the main building entrance of each unit) as follows:
- Units 1 and 2 will be located within the 'reasonable' 400m walking distance to bus stops on B6279 Tornado Way and Eastpoint Road, as set out in Policy IN2 of the Local Plan. These bus stops are served by the Number 2A service which operates approximately every 15 minutes during key shift-pattern periods (i.e. 06:30-09:00, 14:00-17:45 and 21:45-00:15 hours). This frequency of service is appropriate for the proposed industrial development.
 - Units 1 and 2 comprise 79% of the total development floor area, which is only marginally lower than the $\geq 80\%$ threshold set under Policy IN2 for residential dwellings (NB the policy does not set a threshold for industrial development). Notwithstanding, Paragraph 10.6.6 of the Local Plan suggests that although developments may not be within the 'reasonable walking distance' of 400m, other material considerations should be considered, including the frequency of existing bus services on routes further than 400m away from the development

site and the likelihood, or otherwise, that a supported service will become commercially viable. It is noted that other bus stops exist within proximity to the site which are served by a regular daytime service. These bus stops on Coombe Drive and Allington Way provide access to the Number 2 service which operates every 20 minutes during Monday to Saturday daytime.

- Each unit will be located within 650m walking distance to the bus stops on Coombe Drive and/or Allington Way. This is considered an acceptable public transport walking distance within BREEAM standards and, thus, should be a material consideration to Policy IN2.

87. The applicant has also referred to the Transport Topic paper (February 2021) provided in support of the examination of the submission local plan which identifies the site overall as being located within 400m of a bus route/*train station providing a frequent service*” and is likewise considered to be *“well served by existing cycle routes, footpaths and public transport services”*. The site is given a positive (“+”) public transport performance rating.
88. Based on the above it is agreed that the site is adequately served by public transport and, therefore, the applicant should not be required to pay the financial contributions requested as such a requirement would not meet the tests being not necessary to make the development acceptable in planning terms.
89. The Public Rights of Way Officer has also made a request for a financial contribution towards improvements to the footpath. This is noted, however the site is allocated for employment purposes, and it is not considered that improvements to the footpath via a financial contribution are necessary to make the development acceptable in planning terms.

(l) Other matters

90. Natural England together with the Department for Levelling Up, Housing and Communities (DLUCH) announced on 16th March 2022 that the administrative area of Darlington Borough Council is now located within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation.
91. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. It also affects other applications where development may impact upon water quality, including those seeking to discharge planning conditions relating to foul and surface water drainage for a range of development proposals.

92. The local planning authority has arrived at a view that the proposed development would not be within scope for the following reasons and can therefore be determined without the need for any further mitigation:
- The proposed use does not include any overnight accommodation;
 - The Lead Local Flood Authority has raised no general flood risk or drainage objections to the proposed use.
93. Policy DC1 of the Local Plan requires it to meet BREEAM 'Very Good' standard. A Sustainability Statement has been prepared by KJA (UK) Ltd, which considers the potential for the development to incorporate sustainable design solutions. This states that the development will be constructed to reduce energy loads and consumption where feasible. A range of potential measures are identified in the Sustainability Statement, such as photovoltaic panels, low energy lighting, gas fired combi boilers and high efficiency VRF heat pump technology. Individual buildings will be assessed on a project-by-project basis and the most suitable options incorporated at the appropriate stage.
94. It goes on to outline that an initial BREEAM pre-assessment has been carried out for the development by RedSix to establish the feasibility of achieving Policy DC1 BREEAM performance objectives for non-residential buildings of 1,000 sqm or more:
95. This concludes that the proposed development could provisionally achieve a maximum BREEAM 'Excellent' rating of 70.00% (all reasonable measures targeted), which meets the requirement of Policy DC1 and ensures an adequate sustainability rating and maximum improvement in energy efficiency is achieved, which reflects the proposed building type and function. It should be noted that the ability to achieve BREEAM ratings relies upon a range of factors relating not just to the development proposed and implemented pursuant to this planning application and will also be influenced by factors outside the immediate control of the applicant. Notwithstanding this, the applicant, and its BREEAM assessor, is striving to achieve a BREEAM rating of 'Excellent'
96. Policy DC5 of the Local Plan encourages development proposals such as this which generate a significant number of construction phase jobs to secure appropriate commitments and targets for employment skills and training, including apprenticeships. The supporting information states the following:
- It is likely that a scheme of this nature would cost in the region of £30 million to construct and, in single phasing terms, is likely to be built over the course of 38 weeks (c. 9 months);
 - This construction value could support 330 direct (full time equivalent) jobs and 365 indirect / induced multiplier jobs throughout the construction period;
 - The combined effects of direct and indirect employment could support a temporary uplift in Gross Value Added (GVA) (a measure of economic output) of £45.5 million per annum;

- The operational employment generated by the proposal would be derived principally from the distribution and logistics sector;
- It is estimated that the proposal could deliver between 560 and 870 full-time equivalent (FTE) operational jobs on the site, with a further 245 - 385 FTE indirect jobs induced across the wider region. This direct operational FTE employment has the potential to generate up to £55.4 million in GVA per annum;
- The proposals are likely to lead to a number of skilled jobs being created and / or safeguarded, and it is likely that a wide variety of roles will be provided, offering the potential for training and job progression.

97. The above demonstrates that the development will generate significant employment and that it will provide a variety of skilled jobs, including at construction phase, which will provide opportunities for training and job progression. The proposal therefore complies with Policy DC5 in this regard.

98. Policy IN8 requires the development to ensure broadband connectivity and ducts are provided. A statement detailing the proposal strategy for this, can be required by a suitably worded condition.

THE PUBLIC SECTOR EQUALITY DUTY

99. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Disabled access to the premises has been considered in paragraph 19 of this report and the impact of the proposal on childhood obesity is set out in paragraphs 20 and 21.

CONCLUSION AND RECOMMENDATION

100. The application site is allocated for employment uses within the Local Plan. Subject to planning conditions and in conjunction with a Section 106 agreement, the proposed development is acceptable in respect of highway safety, visual and residential impact, flooding and drainage, and Biodiversity net gain and complies with the relevant policies of the Local Plan.

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) BIODIVERSITY NET GAIN.

AS DETAILED IN SECTION (K) OF THIS REPORT.

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 DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

17475-(P)121N Proposed masterplan
17475-(P)123 Unit 1 GA Plans
17475-(P)124 Unit 1 Elevations
17475-(P)125 Unit 1 Roof Plan
17475-(P)127 Unit 2 GA Plans
17475-(P)128 Unit 2 Elevations
17475-(P)129 Unit 2 Roof Plan
17475-(P)131 Unit 3 GA Plans
17475-(P)132 Unit 3 Elevations
17475-(P)133 Unit 3 Roof Plan
17475-(P)135A Proposed bin store
17475-(P)136B Proposed cycle shelter
17475-(P)137 Proposed substation details
17475-(P)138 Fencing details
17475-(P)139 Existing and proposed site sections
17475-(P)140 Proposed gate house
17475-VL-L01D_ Landscape masterplan
17475-VL-L02D_ Landscape Plan 1 of 3
17475-VL-L03D_ Landscape Plan 2 of 3
17475-VL-L04D_ Landscape Plan 3 of 3
All internal arrangements shown on layout plans are for illustrative purposes only

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

3. The submitted landscaping scheme shall be fully implemented within the first planting season following the occupation of the building to which it relates, 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 (within 5 years of planting) shall be replaced and the landscaping scheme maintained for a period of five years.

REASON - In the interests of the visual amenities of the area and to provide on-site biodiversity enhancements.

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

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated Issue P05 Dated April 2022 and the following mitigation measures detailed within the FRA Surface water discharge to Lingfield Beck restricted to 22.8l/s

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

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

6. The building(s) hereby approved shall not be brought into use until:-
 - I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
 - II. A robust management and maintenance plan of the approved Surface Water Drainage scheme which includes maintenance of the adjacent watercourse has been

submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

7. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include the vehicle and pedestrian routes, road maintenance, site compound and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of highway safety.

8. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

9. Prior to the occupation of any building, full and precise details of an off-road pedestrian and cycleway link from the south of the site to existing footway & cycleway infrastructure Located on Lingfield Way shall be submitted for approval. Details shall include a shared footway/cycleway of a minimum of 3.0m wide with appropriate kerbing, signage, and tactile paving. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

10. Prior to occupation of any buildings, full and precise details of the proposed pedestrian and cycleway links (As drawing 'PROPOSED MASTERPLAN 17475-(P) 121 REV N') from the Eastpoint Rd roundabout to the existing Bus Stop on Tornado Way shall be submitted for approval. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

11. The proposed internal footway & cycleway link though the site from the site access at Eastpoint Rd roundabout to Lingfield Way shall be completed prior to occupation of the first building unless otherwise agreed in writing with the Local Planning Authority and shall be kept open to the public thereafter other than when temporarily closed for essential maintenance purposes.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

12. The rating level of noise emitted from external fixed plant hereby approved whether operating individually, or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level at all nearby noise sensitive receptors, when measured and assessed in accordance with BS4142:2014+A1:2019. The background noise level to be used shall be agreed in advance of the assessment in writing with the Local Planning Authority. Any noise mitigation measures required to achieve this level shall be installed by the applicant and thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the occupation of any building, details of cycle parking and storage shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the cycle parking / storage shall be in place prior to the occupation of any building in accordance with the approved details.

REASON – To encourage and enable users to access the site using sustainable means of transport.

14. Prior to any building hereby approved being brought into a use within the B2 Use Class (as set out in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) evidence shall be provided that the level of parking within the curtilage of that unit is appropriate to meet the anticipated parking demands of the intended occupier. That evidence shall be submitted to and approved by the local planning authority. In the event that it is deemed necessary to increase parking in order to avoid parking displacement onto the public highway, details of additional parking within the curtilage of the unit shall be provided to the local planning authority for approval and thereafter provided prior to the occupation of the unit by the B2 use.

REASON – To ensure adequate parking to serve the development in accordance with Policy IN4 of the Darlington Local Plan 2016-2036.

15. The EV Charging points associated with each building shall be in place prior to the relevant building being brought into use and shall be retained thereafter.

REASON – To ensure provision of EV charging infrastructure in accordance with Policy IN4.

16. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and

be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON- To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

17. The proposed bund to the south western corner of the site, as detailed in drawing number: 17475(P)-121N shall be in place prior to the occupation of Unit 3 and shall be retained as such thereafter.

REASON – In the interests of residential amenity.

18. Within 12 months of the commencement of the development a Biodiversity Gains Plan shall be submitted to the Local Planning Authority which incorporates the approach and commitments set out in the submitted Framework Biodiversity Gains Plan and which demonstrates the viability and feasibility of providing net gain in biodiversity either on site or off-site equivalent to more than 43.87BDU. All of the above shall apply, unless otherwise is agreed in writing with the Local Planning Authority.

REASON – To provide biodiversity net gain in accordance with policy ENV8 and the NPPF.

19. The development shall be carried out in accordance with the recommendations contained within the submitted 'Habitat Survey and Assessment – Fabric – Industrial Park development, Tornado Way, Darlington' (INCA April 2022).

REASON – In the interests of ecology

20. The development shall not be carried out otherwise than accordance with the recommendations set out in the submitted 'Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan' (Ref ARB/AE/2712, Elliott Consultancy Limited, April 2022) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure the necessary protection to retained trees in the interests of visual amenity and ecology.

21. Following occupation, the submitted Travel Plan having already achieved the Green Standard accreditation (ModeshiftStars Community / Modeshift Stars Business) should reach the ongoing required standards as laid out in the DBC Travel Plan Guidance document and shall be continued thereafter in accordance with the details therein.

REASON: To reduce single occupancy car travel and to encourage and promote sustainable transport.

22. Prior to the construction of any buildings, full details of the proposed finished floor levels shall be submitted to the Local Planning Authority for its written approval.

Thereafter, the development shall be carried out in accordance with the approved detail.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

23. Prior to the installation of the ' Landlord Kiosk(s)' and 'Gas Kiosk(s)' as shown on the 17475-(P)121N Proposed masterplan, full details of these structures shall be submitted to the Local Planning Authority for its written approval. Thereafter the development shall be carried out in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

INFORMATIVES

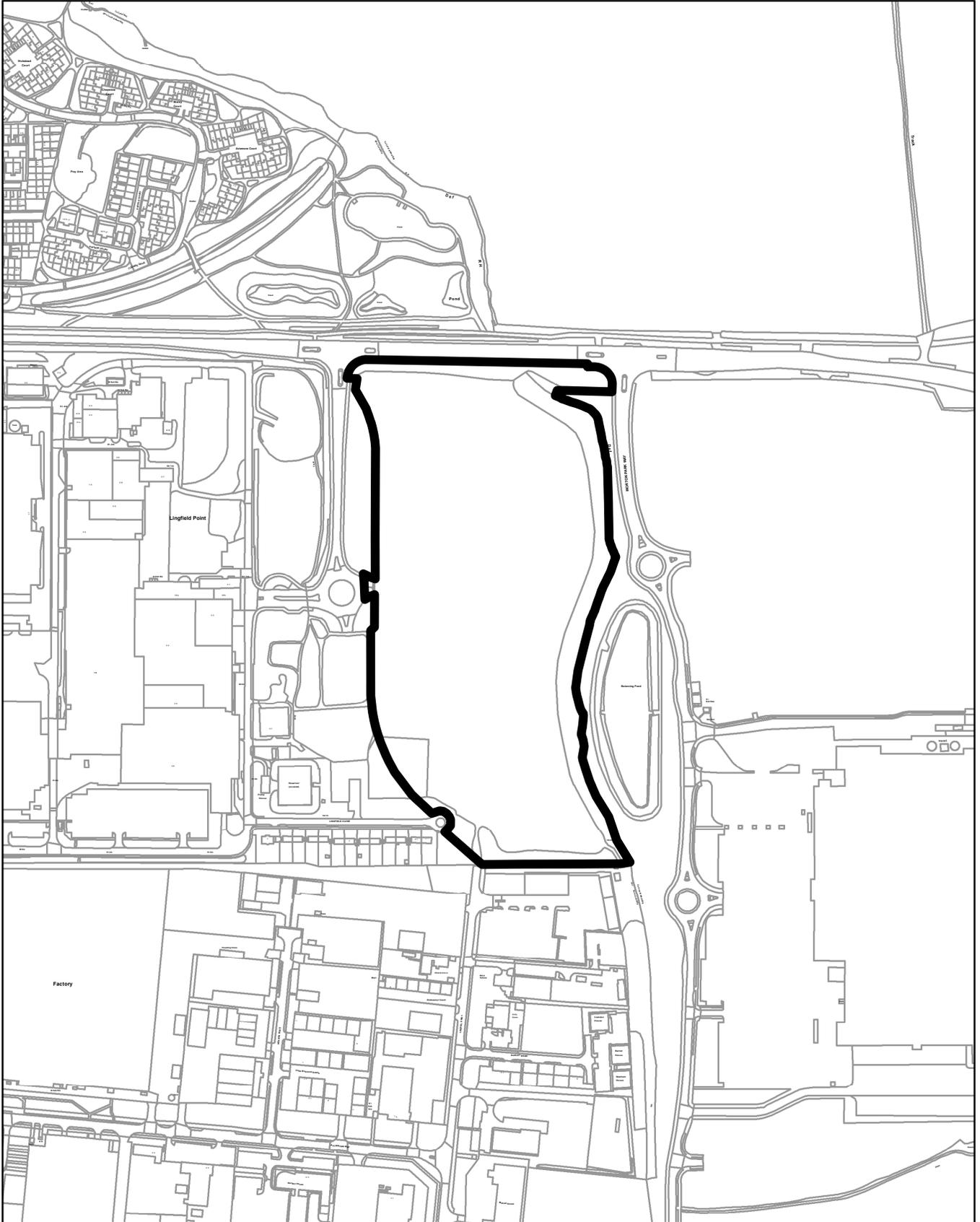
The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design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

An appropriate street lighting scheme and design to cover the new internal highways and where appropriate proposed amendments to the existing arrangements (Section 278) 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.

The Developer is required to enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter

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DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 December 2022

APPLICATION REF. NO:	22/00135/FUL
STATUTORY DECISION DATE:	9 th June 2022
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	West Newbiggin Farm Norton Back Lane SADBERGE DARLINGTON DL2 1SU
DESCRIPTION:	Conversion, alteration and extensions of existing agricultural buildings to form 9 no. dwellings (2 no. 3 bed, 5 no. 4 bed, 2 no. 5 bed) including demolition of former piggeries and outbuildings, erection of 3 no. detached garage blocks, formation of hardstanding, landscaping and other associated works (Revised Scheme) (Additional LLFA info received 27th April 2022) (Nitrate assessment received 28th April 2022) (Amended remediation strategy received 4th May 2022)
APPLICANT:	MR P TWIZELL

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R75CI6FPKW300>

APPLICATION AND SITE DESCRIPTION

1. West Newbiggin is a hamlet consisting of a range of dwellings and agricultural buildings. The application site lies 1.5km to the north east of Sadberge and is located off a minor road off Norton/Darlington Back Lane. The minor road has been recently upgraded with passing places put in by the applicant as part of planning conditions imposed on earlier applications

for the redevelopment of the site. There is a small watercourse to the north east of the site that runs into Billingham Beck.

2. West Newbiggin Farm is sited in the middle of the hamlet and consists of a mixture of agricultural sheds and a dwelling adjacent to the road. The site is located at the south western edge of the farm, away from regular farm activity. Present farming operations are concerned principally with high-end free-range egg production which takes place at a new base of operations created to the south east of the original farm complex in a modern housing and packing building.
3. The application site itself is part of the original farm complex which contains a mix of old agricultural buildings and the remains of more modern concrete buildings and structures last associated with the rearing of pigs on the farm. Given the move to free range egg production, these buildings now serve no practical agricultural purpose on the holding.
4. The site has been the subject of several previous applications for the conversion of the buildings, the details of which are contained within the following section of this report. The latest is 20/00636/FUL which was approved in March 2021. This included the following:
 - a variety of units based on the layouts of the existing buildings, including two 5 bedroomed units, three 4-bedroom units, two 3 bedroomed units and two 2-bedroom units.
 - Limited changes to the exterior of the majority of the buildings with window and door openings modelled largely to ensure the character of the building is not significantly altered.
 - The removal of the remains of the modern pig farming residuary, including the remains of pens, holding facilities, and loading ramps, including a significant amount of impervious concrete surfacing left from previous operations on the site.
 - Allocated parking for each new dwelling.
 - Associated landscaping.
5. This application seeks a revised scheme of the above permission. The application states that:

‘The scheme provides the same number of dwellings but seeks to make greater use of outbuildings that were previously to have been demolished. Minor revisions are proposed to the surface water drainage scheme and additional information has now been included to cover matters that would have previously been covered by conditions, including design details and preliminary archaeology for the site’.
6. The main changes are as follows:
 - The reduction in dwellings provided in the ‘main building’ from four to three (to provide units two, three and four) and the renumbering of the remaining units;
 - The conversion of a former piggery to the south of the site to a four-bed dwelling with rooms within the roof instead of garages;

- The extension of unit five (detached part of the main building group) to create an additional bedroom and an extended living area.
7. Also submitted as part of the application is additional detailing in respect of landscaping, passing places, archaeology and drainage, in order to address matters dealt with by conditions under the previous permission.

MAIN PLANNING ISSUES

8. An extant planning permission is in place for the conversion of existing farm buildings to nine dwellings (07/01151/FUL), with conditions discharged and works carried out to implement the permission. The buildings have therefore previously been considered to be a sustainable re-use of buildings and this remains a fallback position. The relevant issues to be considered in the determination of this application are:
- (a) Impact on non-designated heritage assets.
 - (b) Impact on visual and residential amenity.
 - (c) Land contamination.
 - (d) Highway safety.
 - (e) Flooding and Drainage.
 - (f) Impact on ecology
 - (g) Nutrient Neutrality.

PLANNING POLICIES

9. The proposal is outside of the development limits as identified as part of Policy H3 and therefore policy H7 is relevant. This seeks to limit new dwellings in the open countryside except in certain circumstances, one being where the development would re-use redundant or disused buildings and enhance its immediate setting. Whilst the previous application was approved under the old Local Plan, the requirements of H7 are very similar to those set out in the previous plan with the added requirement that it must enhance its immediate setting. It should also be noted that there is a fallback position for the development of the buildings for housing in terms of the 2007 permission which was lawfully commenced and it therefore extant. The consented 2020 scheme, which is very similar to the current proposal, was considered to provide enhancements to the site and therefore the proposal is considered to be acceptable in principle subject to consideration against the other relevant policies in the plan, which require:
- Proposals must demonstrate that the principles of good design have been followed against a set of criteria including that the proposal must reflect the local environment including layout and landscaping being developed to complement and enhance the ecological function of the local area, that the detailed design responds to the local context, the layout maximises opportunities for natural surveillance. Proposals must provide suitable access, parking and servicing. Every new dwelling which has a garage or dedicated marked out parking space within its curtilage must include an electric socket suitable for charging electric vehicles (Policy DC1 and IN4);

- All developments will be expected to be designed to mitigate and adapt to climate change (Policy DC2). The policy includes a set of criteria regarding flooding and drainage;
- On land affected by contamination, the applicant must demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment; that new developments that could have an impact on pollution, should have mitigation impacts in place, not to have a negative impact on its surroundings new developments to safeguard the amenity of existing users of neighbouring land (Policy DC1 and DC4);
- Proposals which remove or harm the significance of non-designated heritage assets will only be permitted where the benefit is considered to outweigh the harm. Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of a non-designated heritage asset through measures such as good design (Policy ENV1);
- (the character and distinctiveness of the rural area will be protected and improved by) protecting and enhancing the natural quality of the rural landscape, where appropriate reinstating traditional natural and built features (Policy ENV3);
- Developments will be expected to minimise the impact on, and provide net gains for, biodiversity, including establishing coherent and resilient ecological networks (Policy ENV7) with the relevant measures that should be applied for assessing this set out in Policy ENV8.

RESULTS OF TECHNICAL CONSULTATION

10. No objections in principle have been raised by the Council's Highway Engineer and Environmental Health Officer, the Historic Environment Record Officer, or the Local Lead Flood Authority, subject to conditions. The Environment Agency has also raised no objections to the proposed development.

RESULTS OF PUBLICITY AND NOTIFICATION

11. East and West Newbiggin Parish Meeting has objected to the application on the following grounds:

- Site is outside of development limits.
- Offers no affordable housing or Section 106 monies.
- Road unsuitable for increase in traffic.
- The agricultural field which runs alongside the narrow road has recently been ploughed in such a way that a dangerous drop of several feet exists to the side of the road and this drop is liable to cause damage to any car, passengers or pedestrians that inadvertently come off the road and land in the field. Cars have come off this road many times over the years.
- There has already been a heavy increase in the traffic on the Road since the original application in 2007 following the subsequent approval of a Commercial Chicken Farm which means that already additional Lorries and delivery wagons and cars are visiting

the farm and the road is under constant use and repair and will cause disturbance to any occupants of the new properties;

- Access on to Norton Back Lane from West Newbiggin still remains hazardous and any additional traffic from the proposed new housing site will primarily need to go through the village of Sadberge which will not be welcomed.
- Disposal of both surface and foul water remains a problem as there is no mains drainage and climate change continues to enhance the flood risk, individual residents have submitted pictures of flooding on the proposed site which need to be given due consideration.

12. Three individual objections have been received from residents, and these raise the following issues:

- Experience of flooding in the area and no satisfactory plans for foul or surface water drainage within the proposals;
- As a result of a condition in the previous planning approval, passing places were put on the single-track lane. This has resulted in use of the track by people outside of the settlement;
- Increase in traffic, highway safety issues;
- Noise, dirt and disruption during construction;
- Potential of contamination of surface and waste water by nutrients;

PLANNING ISSUES/ANALYSIS

(a) Impact on non-designated heritage assets

13. The farm steading appears on the 1st edition OS map c. 1860 as a large complex of courtyard buildings with a clearly visible gin-gang on the south elevation. Due east of the farmstead is a feature noted as a "moat" on the OS from the 1st edition onwards (Durham HER H206, H207). It is possible that West Newbiggin farm is all that remains of a Medieval village. The Durham and Darlington Historic Landscape Characterisation (HLC) records the land around West Newbiggin as a former nucleated Medieval village.
14. It is unlikely that the brick-built farm and associated buildings is Medieval in date; however, the layout of the farm suggests that it is most likely 18th century - early 19th century in date. This was a period of incredible development in agricultural techniques to improve output, including the mechanisation of activities previously done by hand/animal power. Wealthy landowners invested heavily in these new techniques, adding gin-gangs, tramways, and other steam operated machinery to their farms. They rebuilt / re-organised them into the E-, or U-shaped courtyard arrangements that we often see remaining today.
15. The Historic Environment Record Officer considers that West Newbiggin was clearly a high-status farm and supports its conversion. Conditions attached to the previous permission (20/00636/FUL) required submission and agreement of details of building recording, so that

a record is made of the farm buildings before they are converted to residential use, and associated archiving carried out.

16. The application has now submitted a Written Scheme of Investigation to set out the process to be taken in the building recording and this has been agreed by the Historic Environment Record Officer. As the requirements of this previous condition in terms of submission and agreement of a WSI are now met, it is recommended that a planning condition be attached to any approval to require compliance with the WSI, and provision for archiving. Subject to this the proposal complies with Policy ENV1 in this regard.

(b) Impact on Visual and Residential Amenity

17. The development, being the conversion of existing buildings, will have limited impact on the visual amenities of the locality beyond site level, the buildings being in situ and visually related to buildings already located in this hamlet.
18. At site-level, they involve the retention of a group of interesting and varied buildings, all associated with the agricultural history of the site, all of which are verified as being structurally capable of conversion through submitted technical reports. Overall, the proposal, which seeks to bring together a comprehensive development of the site, will be a large improvement to the scheme granted in 2007 in terms of the visual relationship between buildings.
19. The majority of the development involves only limited changes to the exterior of buildings with window and door openings arranged to ensure that the character of the building is not significantly altered. The additional extensions to unit 5 are in keeping with the building in terms of scale, design and appearance. In the case of all units, the agricultural origins of the buildings are apparent in the design of the dwellings, which is considered a positive element of the overall scheme.
20. In addition, the re-development of the site will see the removal of the remains of the some of the modern pig farming elements, including the remains of pens, holding facilities and loading ramps, including a significant amount concrete surfacing which remains from the previous operations on the site. As a result, the scheme will result in a significant enhancement to the immediate setting of the buildings to be converted, which accords with the requirements of paragraph 80 of the NPPF.
21. Planning conditions were recommended to the 2020 permission to secure submission and agreement of details of external treatments, flues, vents and meter boxes, boundary treatment, and hard and soft landscaping. With the exception of windows and boundary treatment, the majority of these details have now been provided and are considered acceptable and in keeping with the character of the existing buildings and the overall site. It is recommended that final details of doors are required within the remaining condition as details of windows in terms of their construction, reveal and material, have not yet been agreed, and this detail is closely related. The landscaping scheme will further enhance the appearance of the site and consists of native hedgerow planting, shrubs and a total of 44

No. trees, grassland and wildflower grass planting. A planning condition is recommended to secure implementation of this, in accordance with the details submitted. Subject to this and the requirement for details of boundary treatment and windows and doors, the proposal accords with Policy DC1 and ENV1 in this regard.

22. The spacious nature of the development, dictated by the existing buildings, ensures that there is an acceptable level of residential amenity for occupiers of the proposed scheme, as well as the occupiers of existing dwellings.
23. It is noted that the development will result in increased vehicular movements, however any noise arising from additional vehicular movements on this existing road will not be so significant as to justify refusal of planning permission on those grounds. In addition, whilst it is noted that there will be some disruption to residents during implementation of any scheme, which can be addressed through the requirement for submission and agreement of a Construction Management Plan and the standard restriction on construction hours, the scheme once completed will represent a more stable land-use for this range of vacant buildings.
24. A free-range poultry unit is situated some 150m to the south east of the application site (08/00857/FUL). This facility was granted after the 2007 residential conversion approval and the impact on residents, including the extant planning permission for the conversion of the subject buildings, was considered in determining the application. At the time the Environmental Health Officer did not consider that the proposed facility would raise amenity issues subject to being managed effectively, and as such a planning condition was imposed to deal with the management of odours and emissions. The Environmental Health Officer has raised no concerns in respect of the impact of the facility on the residential amenity of the occupiers of the converted buildings in the context of this current application.
25. Overall, subject to the compliance with the submitted Construction Management Plan and the standard restriction on hours of construction, the proposal is considered to be acceptable in respect of its impact on the residential amenity of existing and future occupiers and complies with Policy DC4 in this regard.

(c) Land contamination

26. The 2020 application was submitted together with a combined phase 1 and phase 2 (desktop study and site investigation) report prepared by Dunelm Geotechnical and Environmental dated September 2020. This report refers to a previous site investigation, also completed by Dunelm back in 2010, when a similar housing development application was submitted at the site. A copy of that 2010 report has also now been submitted in support of this application. Also submitted with the application is a letter report from 2010 on ground gas. This letter report has concluded that ground gas protection measures are not required as part of the development.

27. The results have shown that only very low levels of ground gas have been detected with minimal flow of gas. No viable source of ground gas to generate flow has been identified in the desk top study or site investigation. In this scenario the Environmental Health Officer accepts the conclusions of this report which have been repeated in the 2020 report that no specific gas protection measures are required as part of the development.
28. The reports have also identified that due to the past agricultural uses of the site chemical and physical contamination has been found. This includes elevated levels of asbestos (likely from the building materials used on site), lead and TPH exceedances.
29. This revised application includes revisions to the Remediation Strategy, and this makes clear that the hydrocarbon impacted soils identified will be removed from the site. As a result, the Environmental Health Officer is satisfied that should the application be approved, standard contaminated land planning conditions CL5 and CL6 be attached. These deal with construction / remediation works, implementation of the remediation strategy and Phase four verification works. Subject to these conditions, the proposal complies with policy DL1 and DC4 in this regard.

(d) Highway Safety

30. This new application is essentially a resubmission of the previous application, with the same number of dwellings proposed with very minor alterations to the design, the use of additional outbuildings previously to have been demolished and with additional design details accompanying the application. As such highway consultee comments remain largely the same as the previous application, which are that the proposal is acceptable on highway grounds and the minor intensification of use can be mitigated by the provision of an additional passing place to the access road.
31. This detail has been provided in support of this current application and a plan provided to show an additional passing place. The Highways Engineer has confirmed that the proposed additional passing place is logically placed and offers equidistant spacing from existing passing places. As such, the Highways Engineer is satisfied that the single passing place proposed would be sufficient, given that all passing places are now located at regular intervals. A planning condition is recommended to secure implementation of this prior to occupation.
32. Parking across the site is in line with Tees Valley Design Guide standards and therefore unlikely to cause any highway or neighbour amenity concerns through overspill parking or obstruction. Some dwellings are located a considerable distance from the adopted highway, therefore a bin store is provided within the maximum 25m walking distance of the highway for roadside collection. The internal layout of the site is sufficient to enable access by emergency vehicles including a fire appliance as the internal driveway is sufficient for a vehicle to get to within 45m of dwelling entrances.
33. In light of the new Local Plan, there is an additional requirement for an electric charging point to be installed prior to occupation for every new residential property which has a

garage or a dedicated parking space within its curtilage. As such it is recommended that a planning condition is included to secure submission and agreement of details and subsequent implementation of this.

34. Overall, given that the principle of the residential conversions is already well established as part of an earlier consent, and the limited additional traffic generation, the Highways Engineer has raised no objections to the proposal subject to the condition specified above, together with a planning condition requiring compliance with the submitted Construction Management Plan. Also recommended is a planning condition in respect of the provision of EV charging points. Subject to this, the proposal complies with policy DC1 and IN4 in this regard.

(e) Flooding and Drainage

35. The site lies within Flood Zone 1 and is not at risk of fluvial flooding (flooding by rivers or water courses). A Flood Risk Assessment and Drainage Strategy undertaken by RAB Consultants (October 2020) to demonstrate that the development is safe from flooding and will not increase the risk of flooding elsewhere was submitted in support of the 2020 application. Also submitted in support of this application is a revised drainage strategy and report undertaken by M Design Consultants (December 2021).
36. The report concludes that the development is not at risk of fluvial flooding and sets out a range of measures to ensure that the surface water risk to buildings is managed. It also sets out a drainage strategy that comprises an attenuation basin designed to manage runoff safely and sustainably from the proposed impermeable areas on the site. This will have the effect of significantly reducing the net overall runoff from the site. Overall, it concludes that the proposed development is appropriate for the level of flood risk within the site and is not expected to increase the risk of flooding elsewhere. The submission includes a drainage design and attenuation calculations. The applicant is to investigate the use of SuDs techniques such as permeable paving and permeable construction for the driveways and the possibility of using soakaways. This would all be confirmed at the detailed design stage once further work has taken place to establish the opportunities on site.
37. The Local Lead Flood Authority (LLFA) has been consulted due to the scale of the development. The LLFA has confirmed that the applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition. Subject to this condition, the proposal complies with Policy DC2 in this regard.
38. In terms of foul drainage, the nearest available sewer is approximately 1,300 metres west of the application site and it is therefore not feasible to arrange connection to a public sewer. A Foul Drainage Assessment was submitted in support of the application, and this proposes individual package treatment plants (PTP) with each property responsible for their

own PTP. The Environment Agency has raised no objections. Ultimately, this issue will be dealt with as part of an eventual Building Regulations application.

(f) Impact on Ecology

39. The amended proposals do not alter the position in terms of impact on ecology as set out in the Ecological survey and subsequent bat surveys that were submitted in support of the 2020 application, and it is recommended that the same conditions are repeated to ensure delivery of the mitigation, compensation and enhancement measures agreed as part of this previous application.

(g) Nutrient neutrality

40. Natural England together with the Department for Levelling Up, Housing and Communities (DLUCH) announced on 16th March 2022 that the administrative area of Darlington Borough Council is now located within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation.

41. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. It also affects other applications where development may impact upon water quality, including those seeking to discharge planning conditions relating to foul and surface water drainage for a range of development proposals.

42. The local planning authority, in consultation with Natural England, has arrived at a view that the proposed development would not be within scope for the following reasons and can therefore be determined without the need for any further mitigation:

- The site has an existing commenced permission for 9 dwellings, and this becomes the existing land use of the site. The land use and number of dwellings would be unchanged. Therefore, this would not result in an increase in an increase in nutrient loads entering the catchment.

THE PUBLIC SECTOR EQUALITY DUTY

43. In considering this application, the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

44. An extant planning permission is in place for the conversion of existing farm buildings to nine dwellings (07/01151/FUL), with conditions discharged and works carried out to implement the permission, which remains a fallback position to which significant weight can be attached. The current proposal does not seek to increase the number of dwellings on the site but proposes to make greater use of outbuildings that were previously to have been demolished, with some minor revisions proposed to the surface water drainage scheme and additional information provided to cover matters that would have previously been covered by conditions, including design details and preliminary archaeology for the site.
45. As set out in the report, the proposed development complies with the relevant policies in the development plan and involves the conversion of buildings which are structurally sound and capable of conversion, whilst not detracting from the character of the buildings or that of their setting. The proposal would result in a significant enhancement to the immediate setting of the buildings to be converted and complies with paragraph 80 of the NPPF. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology and residential and visual amenity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)
 - 3807/1 Landscape plan
 - L019038 - 101 REV E Proposed site layout plan (roof plans)
 - L019038 - 102 REV E Proposed site layout plan (ground floor)
 - L019038 - 105 REV B Proposed floor plans units 2, 3 and 4
 - L019038 - 106 REV A Proposed elevations sheet 1 of 2
 - L019038 - 107 REV A Proposed elevations sheet 2 of 2
 - L019038 - 108 REV B Proposed floor plans unit 5
 - L019038 - 109 REV B Proposed elevations unit 5
 - L019038 - 110 REV B Proposed floor plans unit 6 and 7
 - L019038 - 111 REV A Proposed elevations units 6 and 7
 - L019038 - 112 REV D Proposed floor plans unit 8
 - L019038 - 113 REV C Proposed elevations unit 8
 - L019038 - 119 REV A Proposed floor plans unit 2
 - L019038 - 120 REV A Proposed floor plans unit 3
 - L019038 - 121 REV A Proposed floor plans unit 4
 - L019038 - 126 Proposed bin storage arrangements
 - L019038 -103 REV A Proposed floor plans and elevations unit 1
 - L019038 -114 REV A Proposed floor plans unit 9
 - L019038 -115 REV A Proposed elevations unit 9
 - L019038-104 Proposed elevations
 - L019038-118 Garage block proposed
 - L019038-128 Site plan

3. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

4. The development shall be carried out in full accordance with the submitted Construction Management Plan except in respect of hours of construction of demolition activities and deliveries (including the use of plant and machinery) which shall be in accordance with Condition 3 (above).

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

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

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy DC2 and the National Planning Policy Framework.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Proposed Drainage Strategy Rev B Dated 02nd December 2021 and the following mitigation measures;

- Surface Water Discharge to be restricted to 5 l/s
- 500m³ of storage provided.

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.

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

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

8. The landscaping scheme (drawing number 3807/1) shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

9. The bin storage facilities for the dwellings hereby approved as set out in Drawing number L019038 - 126 shall be provided in accordance with the approved details, prior to the occupation of the development hereby approved.

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

10. Prior to the occupation of the development hereby approved, details of the type and location of an Electric Socket suitable for charging electric vehicles for each property with a dedicated garage or parking space, shall be submitted to and approved by the Local Planning Authority . Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

11. The vehicle passing place on Drawing number L019038 - 127 - REV B “Road Through West Newbiggin” shall be completed in accordance with the approved details prior to the occupation of the first dwelling and shall be retained as such thereafter.

REASONS - In the interests of highway safety.

12. 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.

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

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

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

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

14. The development shall not be occupied until the post-investigation assessment has been completed in accordance with the approved Written Scheme of Investigation 'West Newbiggin Farm Sadberge: Historic Building Recording, Written Schedule of Investigation BRP 21/5a August 2021 (Revised November 2022) (The Bamburgh

Research Project Limited). The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To comply with Policy ENV1 and paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

15. Notwithstanding any details referred to in the submitted plans, prior to the commencement of works relating to each requisite element of the development the following details shall be submitted to and approved by the Local Planning Authority:-

- i. External materials;
- ii. Doors;
- iii. Fences, walls and gates;

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

REASON- To ensure a satisfactory appearance of the development ,in the interests of visual amenity.

16. Notwithstanding any details referred to in the submitted plans, prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross-sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

REASON - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.

17. No demolition or rebuilding work additional to that specified in the structural reports carried out by The Home Engineers (September 2020) and the submitted application shall be carried out in undertaking the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON – In order that the Local Planning Authority can retain control over the development in the interests of the visual amenities of the locality.

18. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment 'West Newbiggin Farm PP-19-09' (Naturally Wild July 2020).

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

INFORMATIVES

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.

Non-mains foul drainage

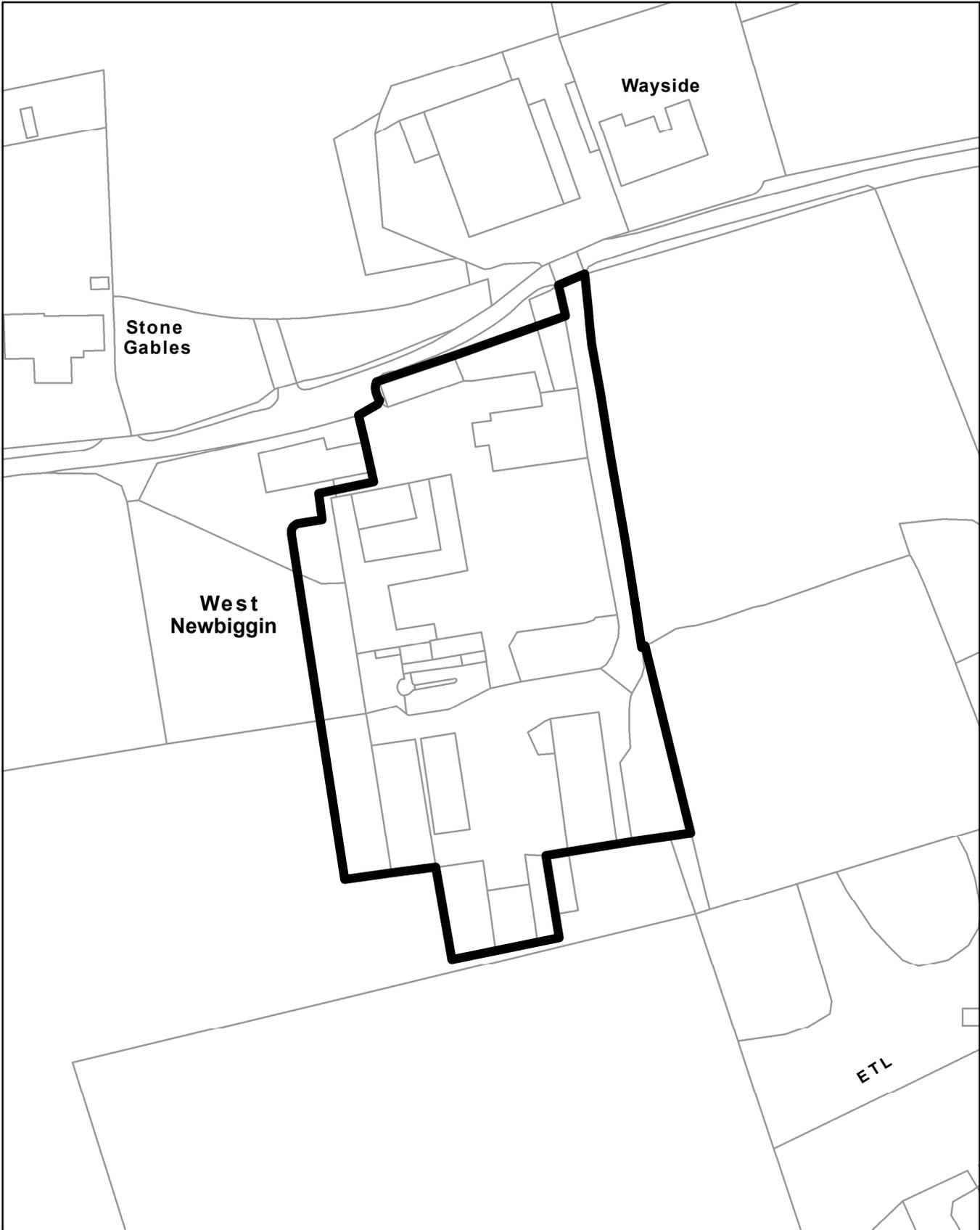
Advice to applicant The applicant proposes to install a new package treatment plant, discharging to the water course. The applicant should ensure the plant is of adequate size to comfortably treat the foul drainage produced by all proposed properties.

Environmental permit - advice to applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

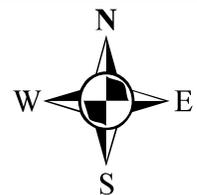
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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Planning Ref No: 22/00135/FUL



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Appeal Decision

Site visit made on 21 September 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/N1350/Z/22/3303365

Land at former Dainton site, Yarm Road, Darlington DL1 4JN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Town & Country Advertising Limited against the decision of Darlington Borough Council.
 - The application Ref 22/00398/ADV, dated 13 April 2022, was refused by notice dated 25 May 2022.
 - The advertisements proposed are the display of 2 No. LED signboards.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The location of the proposed advertisements is described variously in the evidence, which refers to current and former businesses at the site. I have taken the location of the site largely from the application form. In any event, the location is clear from the plans.

Main Issues

3. The main issues are the effect of the advertisements on visual amenity and highway safety.

Reasons

Visual Amenity

4. The appeal proposal comprises a 'V'-shaped pair of digital advertising hoardings that would be erected on columns in the grass verge of Yarm Road at its light-controlled junction with Lingfield Way. The signs would face traffic travelling in both directions along Yarm Road which is a green and pleasant route, tree-lined in parts in the vicinity of the appeal site, providing access to, and passing through, a modern commercial area. Wide areas of maturing vegetation along both sides of Yarm Road contribute significantly to the visual appeal of the area.
5. Buildings in the area are generally large and set well back from the highway in substantial grounds and are mostly seen from Yarm Road only partially in glimpses between trees and blocks of shrub planting. The plans show the hoardings appearing above an immediately adjacent block of dense shrubs which, at the time of my site visit, were at least 3 metres above ground level. As a result of their positioning close to the highway, the hoardings would not

sit well with nearby buildings, they would not be contained by surrounding landscaping, rather they would sit alone as large prominent structures towering above the adjacent block of shrubs.

6. Existing advertisements in the vicinity are limited to a handful of non-illuminated boards and banners nestled within vegetation and set back from the carriageway. While the proposals would not appear to clutter the area, and they would have no cumulative impact in respect of their association with other nearby signs, they would be significantly different in character to those few existing signs by virtue of their size, height and proximity to the carriageway. This would introduce a new and incongruent feature to the area.
7. Illumination would draw attention to the prominence of the hoardings which, notwithstanding the commercial nature of uses in the area, is mostly characterised by substantial vegetation giving the feeling of being in an area of transition from rural to urban and vice-versa. Expectations of highway users in respect of advertisements likely to be seen in the area would be tempered by this impression. The proposals would therefore appear as large, intrusive and alien features when set against their prevailing backdrop.
8. The proposals would have a dominant and intrusive appearance for the reasons I have set out and this would be harmful to visual amenity.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of amenity. Policy DC4 of the Darlington Local Plan 2016-2036 (February 2022) ('the Local Plan') which seeks to protect amenity, is material in this case. Given that I have concluded that the proposals would harm visual amenity, they would conflict with this policy.

Highway Safety

10. Whilst this section of Yarm Road is subject to 40mph speed limits, I saw that traffic tended to approach the signalised junction with caution and at reduced speeds which is consistent with the anticipation drivers would reasonably be expected to demonstrate at such junctions.
11. Traffic controls and directional signage at or near to the junction is not complicated or uncommon in respect of such junctions. The proposed hoardings would be readily visible for some distance when approaching from either direction on Yarm Road. Accordingly, highway users would see the signs in context, standing apart from other sources of information, in sufficient time to react safely to directional signage and to the traffic lights thereby ensuring highway safety is maintained. The movement of pedestrians and cyclists are unlikely to be a distracting feature given that such movements across the carriageway would normally be expected to arise when traffic has stopped.
12. The position of the hoardings in an area between, and set back from, the traffic light columns on Yarm Road is such that neither would obscure views of the traffic lights. The hoardings would be at or near to a position perpendicular to Yarm Road and their displays would not be easily visible from Lingfield Way. Given their positioning, the displays on the hoardings would not cause distraction from any approach to the junction to the extent that they would result in harm to highway safety.

13. The effect of the advertisements would not cause harm to highway safety for the reasons I have set out.
14. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of public safety. Policy IN1 of the Local Plan seeks to ensure that development impacts are mitigated at key junctions and is therefore material in this case. I have concluded that the proposals would not cause harm to highway safety, and they would therefore not conflict with Policy IN1. However, this does not mitigate the harm to visual amenity I have identified.

Other Matters

15. Digital advertisement hoardings may bring benefits in terms of opportunities for their use in public announcements and for non-commercial purposes. They may also stimulate and support commercial and economic activity. However, recognising that The National Planning Policy Framework ('the Framework') indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard. The necessity for advertisements is not a matter related to the interests of amenity or public safety and, having regard to the Framework, this is also not a matter to which I can have regard.

Conclusion

16. Although I have not found harm to interests of public safety, I have to the issue of visual amenity, and that is the prevailing consideration. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

David English

INSPECTOR

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Appeal Decision

Site visit made on 12 July 2022

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/TPO/N1350/8910

20 Freville Grove, Darlington DL3 9QN

- 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 trees protected by a Tree Preservation Order.
 - The appeal is made by Tim Paver against the decision of Darlington Borough Council.
 - The application Ref:21/01208/TF dated 20 October 2021 was refused by notice dated 25 November 2021.
 - The work proposed is: Oak Tree prune back overhanging branches.
 - The relevant Tree Preservation Order (TPO) is Tree Preservation (No.1) Order 1951 and Variation Order No 1 2012 which were confirmed on 6 September 1951 and 6 March 2012 respectively.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council formally adopted the Darlington Borough Local Plan 2016-2036 (February 2022) (DLP) during the appeal process. Both main parties have had the opportunity to comment on the implications of the relevant policies in the DLP for the appeal. Nevertheless, while I have taken account of the policies that the Council considers to be relevant in the DLP, in accordance with the Planning Practice Guidance, these have not been decisive in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed pruning works on the character and appearance of the area and whether sufficient justification for the works has been demonstrated.

Reasons

4. The mature oak tree is adjacent to the side boundary of 20 Freville Grove (No 20) at the entrance to an open space that provides footpath access between Freville Grove and Fulthorpe Avenue. It is the most prominent tree of those within the open space when viewed from Freville Grove.
5. The oak tree crown appears balanced and well-structured, and the form of the tree is particularly attractive in its setting. It is a distinctive feature at the head of the Freville Grove cul-de-sac that makes a significant contribution to the character and appearance of the area.

6. The appellant indicates that the pruning of the oak tree is required to provide clearance of the drive and house roof. The application form refers to pruning back overhanging branches. The Council refers to raising the crown of the tree to 6 metres, but the appellant states on the appeal form that it is not proposed to raise the crown but to remove part of a branch. In other correspondence reference is made to the need to shorten two branches by 3 to 4 metres and it is suggested by the appellant that it may be necessary to prune other branches for the appearance of the tree.
7. Even though the extent of the pruning work is not clear, in its highly prominent location, pruning works to the side of the oak tree adjacent to No 20 would notably change its balanced and attractive crown form. As a consequence, the contribution the tree makes to the street scene would be diminished. Therefore, any justification for pruning works must be convincing.

Justification

8. The oak tree appears to be sound and healthy, and no substantive evidence has been submitted that indicates pruning works are necessary for the health of the tree. Further, the application form states that the proposed works are not required because of the condition of the tree or because of damage to property.
9. I acknowledge the appellant's concern about sap and leaf fall, nevertheless, issues with falling debris are not unusual and whilst this may create a maintenance inconvenience, it also goes hand-in-hand with living in an area which is defined by a mature landscape, and which provides an attractive place to live and work. Further, such matters are likely to be seasonal, there are areas of the drive that are outside the canopy of the tree and there is also the possibility that car covers to protect paint work could be used at certain times.
10. I observed at my site visit that tree branches are growing towards the house, and I appreciate that some limited pruning work may be required at some point to allow clearance of the roof. However, extensive, or poorly conceived pruning works involving several cuts may become the entry point for disease and decay and can lead to the decline of the tree. Therefore, any proposed pruning work should be clearly specified.
11. In addition, as the appellant does not own the tree, any consented pruning may be difficult to implement on land outside the appellant's ownership. In this situation, it is essential that there is sufficient information to ensure that appropriate pruning is well planned and can be properly executed without damage or disfigurement to the tree.
12. Whilst I acknowledge that some pruning of the tree was undertaken 2 years ago, previous work is not a reason to undertake further pruning. Also, it appears, from the limited evidence before me, that the previous work was carried out with the owner's consent.
13. Although not determinative, the Council cites conflict with Policy ENV4 of the DLP which amongst other matters seeks to enhance visual amenity, biodiversity, and landscape. I find that the pruning work would conflict with this policy because the removal of branches from one side of the tree would result in harm to its overall attractive crown form.

Conclusion

14. With any application to carry out works to protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area otherwise the outcome would be a gradual erosion of the character and appearance of that area.
15. In this case, although the extent of the work is not clear, any pruning of this important tree would result in at least moderate harm to the character and appearance of the area. In my judgement, insufficient reason and information has been provided to justify such work.
16. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR

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Appeal Decision

Site visit made on 17 October 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/N1350/W/22/3299023

87 Barmpton Lane, Darlington DL1 3HG

- 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 P Fletcher against the decision of Darlington Borough Council.
 - The application Ref 20/01126/FUL, dated 18 November 2020, was refused by notice dated 10 February 2022.
 - The development proposed is construction of one 2 bedroom single storey dwelling and one 3 bedroom two storey dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the initial planning application form to 'demolition of lean-to to existing dwelling, erection of 1no. two bed single storey dwelling to front and demolition of existing garage to accommodate erection of 1no. two bed single storey dwelling to rear, with associated parking and landscaping works'.
3. This appears to have been as a result of an amendment made during the course of the application to reduce the scale of the dwelling proposed to the front of the site. The revised description appears on the decision notice and has also been adopted on the appeal form. I have therefore determined the appeal on the basis of the revised description.
4. The Darlington Local Plan 2016-2036 (DLP) was adopted on 18 February 2022, in relation to this appeal replacing the Core Strategy and Borough of Darlington Local Plan. I am required to make my decision based on the policy in place at the time of the decision and I have been provided with policies from the DLP which are considered relevant to the proposal.
5. The existing dwelling has been suggested by the Council as the former lodge house to the now demolished Whinfield Manor and is considered a non-designated heritage asset.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of occupiers of nearby dwellings and the effect of the proposal on the non-designated heritage asset.

Reasons

Character and appearance

7. By reason of the robust boundary treatment towards the back of the site and boundary tree cover, the dwelling proposed to the rear which would be of flat roofed form and limited in height would have little visibility from outside of the site.
8. The dwelling to the front of the site would however be far more prominent from Barmpton Road. It would however be modest in scale, width and depth and would benefit from a set back from the road. It would be set on a similar building line to properties on the western side of the road to the north and south, the bungalow design is reflective of similar properties on the eastern side of Barmpton Road.
9. The layout however proposes a significant amount of parking space to the front of the site where six spaces would be provided to serve the existing dwelling and those proposed. This would be likely to involve the provision of significant areas of hardstanding to host multiple cars.
10. The only relief to the hard frontage, which would contrast sharply with the existing lawned and planted area, would be a small area of grass appearing to serve the bungalow to the front. There would also be a contrast with other properties within the area which generally incorporate small front gardens with modest, well-spaced driveways.
11. It is therefore the concentration of parking areas to the extent proposed to the front of the site which would cause significant harm to the character and appearance of the area. The proposal would therefore conflict with Policy DC1 of the DLP which amongst other things requires that design responds positively to the local context in terms of layout and form.

Living conditions

12. On what is not an especially spacious plot, the additional dwellings are likely to create a number of comings and goings throughout the day with residents coming and going and other movements associated with deliveries and other servicing requirements.
13. Ultimately, it would be the comings and goings associated with the dwelling to the rear which would be most harmful to the living conditions of the occupiers of nearby dwellings.
14. In contrast with Barmpton Lane which accommodates a degree of activity, the rear garden area is quiet and is backed onto by the residential gardens of other nearby dwellings. The rear dwelling would see activity introduced into this quiet area close to the garden boundaries of adjoining dwellings and anyone accessing the dwelling would have to pass directly the main front elevation of 87 Barmpton Road itself.
15. This activity would therefore sharply contrast with the existing nature of the site and would be significantly harmful to the living conditions of the occupiers of nearby dwellings as a result of noise and disturbance.
16. The proposal would subsequently conflict with Policy H8 of the DLP which advises that the development of a rear residential garden for a new residential

dwelling will not normally be permitted. Further, amongst other things it states that such development should not have a significant adverse impact on rear garden land that contributes to amenity of residents.

Non-designated heritage asset

17. The site could be considered historically interesting to some degree given that the orientation of the existing dwelling at the site is at odds with the general grain and pattern of development within the area. There could be some historical significance by reason of associations with the previously demolished manor.
18. However, housing development in a modern form and pattern completely surrounds the site. It's setting therefore makes no tangible contribution to the significance of the asset. It therefore follows that further residential development within close proximity to the lodge house would not result in a loss of significance to the non-designated heritage asset.
19. Subsequently, there would be no conflict with Policy ENV1 of the DLP which amongst other things broadly seeks to guard against harm to the significance of non-designated heritage assets.

Other Matters

20. It is the case that the proposal would contribute to housing choice and supply in the area and that there is limited neighbour objection. The first matter would be a benefit, although a very modest one bearing in mind the limited scale of the scheme. These matters do not however outweigh the harm identified.
21. Natural England has recently updated the conservation status of the Teesmouth & Cleveland Coast SPA/Ramsar. Concern over water quality is identified with regard to nitrogen. However, given that I am dismissing the appeal for other reasons, I will not explore this matter further.

Conclusion and planning balance

22. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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