



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 20 December 2023
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. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
4. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation
 - (a) Land North Of Coniscliffe Road (Pages 3 - 62)
 - (b) Land South Of Staindrop Road (Pages 63 - 140)
 - (c) Site Of Former Blackwell Grange Golf Club (East), Carmel Road South, Darlington (Pages 141 - 190)
5. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
6. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 12 December 2023

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Kane, Laing, Lawley, Lee, McCollom, Robinson and Tostevin.

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

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO:	17/00632/OUTE
STATUTORY DECISION DATE:	22 December 2023
WARD/PARISH:	Heighington And Coniscliffe
LOCATION:	Land North Of Coniscliffe Road
DESCRIPTION:	<p>Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access For the avoidance of doubt planning permission is hereby granted separately and severably for site infrastructure landscaping and development cells identified on plan reference Indicative Development Framework plan (Drawing Number 7055-SK-01_N) (Additional Phasing Plan and Noise Assessment and Amended Flood Risk Assessment and Masterplan received 8 November 2017; additional Archaeology Report received 7 February 2018; additional Transport Assessment Addendum and additional Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019; updated Planning Statement; Environmental Statement and Ecology Reports received 28 January 2022; amended site location plan received 10 March 2022; Health Impact Assessment received 2 August 2022; amended Habitat Regulation Assessment and Nutrient Assessment Report and supporting information received 15 August 2023 and 7 September 2023)</p>
APPLICANT:	Taylor Wimpey (UK) Ltd & Mr Morgan

RECOMMENDATION: GRANT PERMISSION SUBJECT TO SECTION 106 AGREEMENT AND PLANNING CONDITIONS

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=summary&keyVal=OSQ1HCFPGR500>

APPLICATION AND SITE DESCRIPTION

1. The planning application site is located on the western edge of Darlington bound by the Baydale Beck to the east; Coniscliffe Road (A67) to the south and agricultural land alongside the A1(M) to the west. Further to the east of the site, on the opposite side of the Beck lies existing residential development of Mowden housing estate and Broken Scar Water Treatment Works. Further to the south of the site lies the River Tees and the village of Low Coniscliffe. The land to the north is the subject to the following outline planning application (ref no: 17/00636/OUTE) which is also on this agenda for consideration:

Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class E), a GP (Class E) land for proposed primary school and early years school (Use Class F1) and sports pitches with associated parking, public open space, landscaping and sustainable drainage system (SUDS), onsite nutrient mitigation scheme and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access

2. The application site measures 28.27 hectares and comprises several agricultural fields, with the majority under arable use. The existing Rights of Way network includes routes across the site connecting to Coniscliffe Road, Staindrop Road and Baydale Beck. Footpaths to the east and the north of the site provide linkages to Cockerton, Branksome and West Park. There are trees and hedges in and around the application site, which are not covered by any protection orders.
3. Outline planning application is sought to redevelop the site for residential purposes for up to 535 dwellings, including affordable housing, with all matters reserved apart from the means of access, which would be from Coniscliffe Road. The scheme includes elements of open space, landscaping and a surface water drainage scheme including SUDs basins. Matters relating to landscaping, layout, appearance and scale would be considered in more detail as part of future Reserved Matters submissions.

Masterplan and Planning Application Reference number 17/00636/OUTE

4. This planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the north and the planning application (ref no: 17/00636/OUTE)

5. The planning application to the north has been submitted by Gladman Developments Limited and both applicants have worked together, in conjunction with the Council to produce the Masterplan upon which the individual applications are based.
6. Overall, the Masterplan covers an area of 76.78 hectares and will deliver a range of benefits for the local community and meet the housing requirement for Darlington Borough Council. The development as a whole will create up to 1,520 dwellings (approx. 42.54 hectares), along with a range of facilities to meet the needs of the growing community including a local convenience store (approx. 0.2 hectares), land reserved for a primary school (approx. 1.83 hectares), a GP Surgery (approx. 0.37 hectares) and recreational facilities all set within public open space (approx. 29.43 hectares). There would also be equipped play areas, SUDs basins, playing fields and parking provision.
7. The Masterplan shows the indicative arrangement of how the two sites would be linked together by a central spine road, new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes).

Statement of Community Involvement

8. Gladman Developments and Taylor Wimpey have previously engaged in community engagement exercises (2016/2017) with local residents on the wider Masterplan in advance of submitting the planning applications and full details of this have been set out in the Statement of Community Involvement submitted with this application. In 2019, the developers also carried out a presentation to the Members of the Planning Applications Committee. The engagement exercises were carried out in accordance with the Council's Statement of Community Involvement document.

Environmental Impact Assessment

9. The former Department for Communities and Local Government (DCLG) deemed that the application is Environmental Impact Assessment development under Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and issued a screening direction in November 2017. An Environmental Impact Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application, and these were updated where appropriate following the adoption of the Darlington Local Plan in 2022. The ES considers the impact of the development under the following headings, as set out in the screening direction:
 - a. Traffic and Transport;
 - b. Air Quality
 - c. Noise and Vibration
10. Officers are satisfied that the content of the ES meets the scope of the Screening Direction issued by the DCLG. The application was advertised and consulted upon in accordance with the EIA Regulations 2017 and a copy of the Non-Technical Summary was forwarded to DCLG acting on behalf of the Secretary of State.

MAIN PLANNING ISSUES

11. The main issues to be considered here are whether or not the development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact upon the Mineral Safeguarding Area
 - c) Impact on non-designated Heritage Assets (Archaeology)
 - d) Loss of Agricultural Land
 - e) Nutrient Neutrality
 - f) Design and Layout and Impact on the Character and Appearance of the Area
 - g) Highway Safety
 - h) Residential Amenity
 - i) Flood Risk and Drainage
 - j) Climate Change
 - k) Air Quality
 - l) Noise
 - m) Land Contamination
 - n) Impact on the Setting of Heritage Assets
 - o) Impact on Existing Trees and Landscaping
 - p) Impact on Footpaths and Public Rights of Way
 - q) Ecology
 - r) Affordable Housing
 - s) Sport Provision
 - t) School Places
 - u) Developer Contributions

PLANNING POLICIES

12. As well as the National Planning Policy Framework 2023, the relevant local development plan policies are as follows:

Darlington Local Plan (2016-2036)

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV6: Local Green Spaces
ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Diversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN3: Transport Assessments and Travel Plans
IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure
IN9: Renewable Energy Infrastructure
IN10: Supporting the Delivery of Community and Social Infrastructure

Low Coniscliffe & Merrybent Neighbourhood Plan 2018 – 2036 (Made 2019)

LCM 1: Landscape
LCM 2: Tranquillity
LCM 3: Green Infrastructure
LCM 5: Biodiversity
LCM 6: Wildlife Corridors
LCM 7: Local Green Space
LCM 8: Design
LCM10: Heritage Assets
LCM 11: General location of new development (Settlement Boundaries)
LCM 15: Infrastructure
LCM 18: Transport and New Developments
LCM 19: Public Rights of Way

Tees Valley Minerals and Waste DPD

MWC4: Safeguarding of Minerals Resources from Sterilisation

Other relevant documents

Design of New Development SPD
Planning Obligations SPD
Darlington Landscape Character Assessment
Travel Plan Guidance Note

RESULTS OF TECHNICAL CONSULTATION

13. The Council's Highways Engineer, Environmental Health Officer, Transport Policy Officer, Travel Plan Officer, Ecology consultant, Head of Skills and Employability (Education)| Conservation Officer and Public Rights of Way Officer have raised no objections to the principle of the development subject to the imposition of planning conditions and financial contributions being secured via a Section 106 Agreement
14. The Durham County Council Archaeology Team have raised no objections to the principle of the development subject to the imposition of planning conditions.
15. The Environment Agency, Northumbrian Water and the Lead Local Flood Authority have raised no objections to the principle of the development subject to imposition of planning conditions.

16. National Highways have raised no objections subject to the imposition of planning conditions and requested financial contributions being secured via a Section 106 Agreement
17. Natural England have raised no objections subject to the principle of the development subject to imposition of planning conditions.
18. Historic England, Northern Gas Networks and Sport England have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

19. The planning application has been subject to a number of notification and publicity exercises since it was first submitted in 2017. Prior to the adoption of the Darlington Local Plan (2016 – 2036) in February 2022, the planning application had attracted 220 letters of objection and 3 letters of representation. During this time objections were also received from Darlington Friends of the Earth; Darlington Bird Club; the Campaign for the Protection of Rural Countryside (CPRE); Jenny Chapman MP and Phil Wilson MP on behalf of constituents and Low Coniscliffe and Merrybent Parish Council.
20. In the lead up to the adoption of the Local Plan, Environmental Statement updates were submitted (January 2022) along with further reports on biodiversity net gain, health impacts and a Planning Statement followed by Habitat Regulation Assessment and Nutrient Neutrality reports and information in March 2022 and August 2022 and August and September 2023. Further notification exercises were undertaken by the local planning authority when appropriate, and a further 118 objections have been received. The comments can be summarised as follows:
 - *There are already a lot of houses being built in Darlington*
 - *Increase in traffic congestion*
 - *Impact on wildlife and dog walkers*
 - *Loss of greenspace and countryside*
 - *Impact on existing local services such as Doctors Surgery, Hospital and dentists*
 - *There is no need for further housing in Darlington*
 - *Loss of amenity space*
 - *Loss of agricultural land*
 - *Impact on Rights of Way*
 - *Impact on existing drainage*
 - *Increase in pollution*
 - *Impact on Bridleways and equestrians*
 - *Impact on air and water quality*
 - *Disruption during construction phase*
 - *Not sustainable location*
 - *Lack of infrastructure*
 - *Impact on Schools*
 - *The houses will be unaffordable*
 - *Impact on road network*
 - *Impact on habitats*

- *Impact on mental health*
- *Loss of greenbelt*
- *Urban sprawl*
- *Increase in flood risk*
- *Contrary to Neighbourhood Plan*
- *Impact on landscape*
- *Contrary to Darlington Local Plan*
- *Impact on visual amenity of the area*
- *Risk of contamination to Baydale Beck*
- *Light pollution*
- *Brownfield sites are a better option*
- *Loss of trees and hedges*
- *Increase in highway safety concerns for cyclists and pedestrians*
- *Darlington exceeding housing targets set by Government*
- *No secondary school*
- *Noise pollution*
- *Decrease in existing property values*
- *Increase in carbon emissions*
- *Impact on Character of Local Area*
- *Economic benefits will be limited*
- *No community facilities*
- *Impact on condition of roads*
- *Increase in car usage*
- *Impact on the visual appearance and character of the A67, Low Coniscliffe and Merrybent*
- *Impact on climate change*
- *Impact on existing drainage infrastructure*
- *Loss of land used by walkers, runners and cyclists*
- *No shops being built*
- *Concerns over surface water impacting Baydale Beck*
- *More affordable housing is needed*
- *Dedicated cycle paths are required*
- *Impacts on existing junctions on Coniscliffe Road and Edinburgh Drive*
- *Traffic impacts at Cockerton Village and Carmel Road roundabouts*
- *Bus service is in adequate*
- *Too many housing estates*
- *Houses too close to motorway*
- *Will lead to many years of disruption*
- *Loss of food producing land*
- *Loss of green landscape*
- *There is a need for allotments, community facilities*
- *Environmental damage*
- *The occupancy rate in the nutrient calculator cannot be correct and are too low*
- *The occupancy rate is unrealistic*
- *Northumbrian Water use higher occupancy rates*
- *Stressholme STW have not been expanded to cope with new housing*
- *Northumbrian Water will not be able to meet limitations on discharges*

- *Stressholme STW has not yet been adapted to remove nitrogen and will not be expected to until 2023*
- *The development would result in additional TN discharge from the site, resulting in a Likely Significant Effect upon qualifying features of the Cleveland Coast SPA/ Ramsar site*
- *Impact on recreational activities*
- *Flood Risk impact outside of planning application site*
- *Scheme is relying on improvement works at Stressholme STW which may never happen*
- *There is no demand for new houses and people cannot afford to buy them*
- *There is no guarantee of funding for works to Water Treatment Works*
- *The water consumption rate is not guaranteed to be achieved*
- *Insufficient burial grounds and cremation facilities in Darlington*
- *Lack of works to improve and alleviate pressure on ageing drainage infrastructure*
- *How will foul waste be disposed of and how will an overflow of foul waste be prevented*
- *The Environment Agency's comments on the capacity of the Stressholme Water Treatment Works cover a very serious matter of water pollution into waterways*
- *The Council's Appropriate Assessment does not properly address the methodology and robustness for the data around occupancy rates or water consumption*
- *The road network will definitely not cope with the overall suggested number of houses.*
- *Affordable Housing provision should be 30% as it is an urban expansion*
- *Staindrop Road floods from time to time at least once a year and needs to be shut due to flooding from Baydale Beck which makes the footpath impassable, any extra SW run off from hardstanding of a new development will affect these conditions on top of the global warming effects.*
- *There will be significant loss of riparian habitat, farmland and hedgerows which is habitat for a number of bird species including Skylarks, Grey Partridges, Yellow Hammers, Starlings & Curlews all of which are on the BoCC Red List*
- *The revised application provides little evidence of sufficient improvement and the nutrient calculations remain hypothetical and challengeable.*
- *The proposal to build 335 dwellings using only following on-site within the red line boundary raises further concern.*
- *There is a lack of reference to undertake any improvement works to alleviate pressure on an ageing drainage infrastructure lying under the A67 towards Stressholme.*
- *Where will students go to school*
- *Concerned over disposal of surface water and foul waste*

21. The CPRE have objected to the planning application on following grounds

- *Lack of sustainable transport*
- *No cycle provision*
- *No community facilities be built*
- *Where will affordable housing be built*

- *Low carbon enquiry requirements*
 - *What will ecology enhancements involve and where*
22. Darlington Friends of the Earth have raised concerns over the impact of development on rare bird populations especially due to the current high level of building work in Darlington meaning pressure on available nesting, feeding and roosting sites is already intense. They support comments made by the Council's Ecologist on the need for landscaping buffer zones and the design of SuDs basins but highlight concerns over increase in street lighting and loss of hedgerows and impacts on wildlife.
23. Low Coniscliffe and Merrybent Parish Council have submitted objections to the planning application at all stages since the application was submitted. The most recent comments following the adoption of the Neighbourhood Plan and the Local Plan are summarised as follows:
- *The Parish accept that with the adoption of the Local Plan that the site is allocated for housing development and it is anticipated that planning permission will be granted in due course. It is imperative that the opportunities are fully exploited to deliver the community benefits that may bring such a public transport; school provision, public footpaths, cycling and walking routes, connectivity of open spaces; appropriate location of services and facilities, landscaping and screening and visual impact of the development*
 - *Concern that the housing occupancy rate used for nutrient neutrality purposes is 1,1 persons per dwelling. The average occupancy rate should for all of Darlington should be 2.06*
 - *Disagree with the water consumption rate of 110 l/p/d as this cannot be evidenced and the water rate should be 144 i/p/d as previously advised by Northumbrian Water*
 - *Concerned by the Nutrient Assessment and in particular the nutrient calculation which allows 335 dwellings to be built using only following on site*
 - *Planning permission should not be granted until the required works at Stressholme Sewage Treatment Works have been proven to meet the nitrogen discharge limits and net betterment established by Natural England and the Government*
 - *LC&M Parish Council continue to be of the opinion that the Nutrient Neutrality calculation provided by the latest Nutrient Assessment is flawed, by its use of an incorrect and speculative occupancy rate and water consumption rate. We, therefore, remain of the opinion that this planning application as it currently exists should not be granted*
 - *Planning permission should not be granted until any alternative proposal for a Waste Water Treatment Works are operational*
 - *Planning permission should not be granted until mitigation measures are determined in full, both on site and off site. Furthermore, a timeline of mitigation in conjunction with the occupation of dwellings is critical to the granting of planning permission, in order to ensure Nitrogen limits are not breached and Nutrient Neutrality maintained*

- *Concerned that the application in its present form and proposed mitigation measures are insufficient to offset the previous concerns, including but not limited to the loss of agricultural land, sterilisation of mineral resources, increased traffic resulting in increased congestion, damage to the environment, landscaping character and wildlife habitats, sustainability and more*
- *The proposed development is not in a sustainable location, therefore, this Outline Application should not progress until ALL major infrastructure requirements can be implemented and proven to meet anticipated increased development.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

24. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15)
25. The Local Plan (2016-2036) was adopted in February 2022. Another material consideration in the determination of this application is the Low Coniscliffe & Merrybent Neighbourhood Plan (2019) as whilst the site is adjacent to the urban area it is located within the Neighbourhood Area Boundary.
26. Neighbourhood Plans are required by footnote 18 of the NPPF (2023) to be in general conformity with strategic policies contained within Local Plans that cover their area. Paragraph 30 of the NPPF (2023) also states that “once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”.
27. This is further supplemented by the NPPG (41-084-20190509) which states “policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence”.
28. In light of this and as the Darlington Local Plan (2016-2036) was more recently adopted where any conflict exists between the neighbourhood plan’s strategic and non-strategic policies in the Darlington Local Plan (2016-2036), the Local Plan policies take precedence.
29. Policy H1 of the Local Plan establishes a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. It also includes a neighbourhood area housing requirement of 962 homes over the plan period for Low Coniscliffe and Merrybent. This requirement includes the anticipated yield of this allocated site over the plan period, therefore this proposal would contribute towards the achievement of this requirement.

30. Policy H2 of the Local Plan allocates this site (41 – Coniscliffe Park South) for housing development and to contribute towards meeting the Boroughs quantitative and qualitative need for housing over the plan period. It outlines a yield for indicative purposes only of 535 homes for the site (420 of which are anticipated during the plan period). The proposed development would also significantly contribute towards the Council's Five Year Supply of deliverable housing sites.
31. Policy H3 seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies.
32. Policies LCM11 & LCM12 of the LC & M Neighbourhood Plan (2019) establish the general location of new development including that development should be located within established development limits or for the identified housing allocations. This site is not within the development limits or housing allocations identified in these Neighbourhood Plan policies.
33. This proposal is therefore in principle compliant with the locational requirements established in Policies H2 and H3 of the Local Plan (2016 - 2036) as it is a site allocation, is located within development limits and is being brought forward for up to the number of dwellings identified within the indicative yield. Whilst the proposal would appear to be in conflict with Policies LCM11 & 12 of the LC & M Neighbourhood Plan (2019) as explained above where the neighbourhood plan policies conflict with the Local Plan policies, which they do here, the Local Plan policies take precedence as the most recently adopted document, and therefore the proposal does not need to be considered against these neighbourhood plan policies which are out of date.

b) Impact upon the Mineral Safeguarding Area

34. Policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011) sets out the circumstances when non-mineral development will be permitted in non-minerals safeguarding areas. This site is located in a limestone (shallow) safeguarding area along with much of the rest of the northern and western part of the Borough outside the urban area. This proposal is considered to comply with part c) of the policy, which states that non-minerals development in mineral safeguarding areas will be permitted where the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource. This is because the site is an allocation for housing in the Local Plan and forming part of the Council's housing land supply and therefore required to contribute towards the achievement of the Council's housing requirement. In addition, the quarrying and winning of limestone prior to development is not possible as this will make the site unsuitable for development for housing which it is allocated for and there is a significant safeguarded area for limestone remaining in the Borough.

c) Impact on non-designated Heritage Assets (Archaeology)

35. This site has been subject to a geophysical survey and trial trench evaluation. These works have identified some probable World War I practice trenches, as well as a field system of unknown date. Further field work is needed on the site in mitigation of the development proposals. The archaeological works can be secured by planning conditions suggested by the Durham County Council Archaeology Team and therefore the development complies with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

d) Loss of Agricultural Land

36. The National Planning Policy Framework 2023 states that planning decisions should recognise the character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (Grades 1, 2 and 3a land in the Agricultural Classification ALC System). MAFF Agricultural Land Classification map indicates that the classification is Grade 3 (Good to Moderate) across the application site. It is acknowledged that the development proposals will result in the loss of agricultural land but there is a significant amount of higher grade agricultural land to the west and also along the River Tees. The loss of agricultural land would not be significant in the context of the land available for agricultural purposes throughout the rest of the Borough. The site is also a housing allocation in the Local Plan and is therefore needed to meet the identified market and affordable housing needs of the Borough over the plan period.
37. The National Planning Policy Framework 2023 states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
38. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised. Natural England has recommended that planning conditions are imposed to ensure that the development is implemented with regard to soil resource information contained within the Defra Guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
39. It is considered that the proposal will accord with the National Planning Policy Framework 2023 in this regard.

e) Nutrient Neutrality

40. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England in March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
41. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
42. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.
43. Following comments received regarding the occupancy rate that has been adopted by Darlington Borough Council, Natural England's guidance recommended that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). On behalf of the local planning authorities in the Tees Catchment, Stockton on Tees Borough Council commissioned Opinion Research Services (ORS) to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the River Tees catchment to ensure that a suitable robust and evidence based approach could be taken.
44. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021, and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.

45. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each Authority and therefore an individual figure has been adopted by each of the various Tees Catchment Authorities.
46. In determining the figure to be used to assess population growth arising from new dwellings within the Borough of Darlington, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
47. The research shows that for the Borough if the baseline period of 2011-2021 is used it would show an increase of 0.64, whilst the highest 5 year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, the highest 5 year average is not a resilient figure, and a more appropriate approach is to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates a gain of 0.98 persons per dwelling. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied. It is considered that such an approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.
48. The 1.1 occupancy rate has been used for nutrient neutrality purposes on other planning applications where it is a material planning consideration and Natural England have not challenged its usage in any of their consultation responses.
49. The Screening Assessment stage of the process requires the Local Planning Authority as the competent authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives. The planning application has been supported by two nutrient budget calculators, one for 535 dwellings and one for 335 dwellings), a Nutrient Assessment, a Nutrient Neutrality Supporting Statement and a Provisional Credit Certificate

signed by both the applicant and Natural England. This information is considered sufficient to enable the Local Planning Authority as the competent authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.

50. The supporting information demonstrates that the proposals will increase the amount of nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. Natural England's Nutrient Budget Calculator tool for the River Tees catchment has been used to establish a nutrient budget for the proposal. The assumptions and inputs used by the applicant within the calculator are considered by the Competent Authority to be satisfactory and are an accurate reflection of the site and its location. The proposal for up to 535 dwellings would increase the total annual nitrogen load arising by 366.83kg per year. As a nitrogen surplus would still arise, the applicant has accepted that further mitigation would be necessary in order to avoid likely significant effects.
51. The additional nutrient budget calculator for 335 dwellings demonstrates that through land reversion on site from cereal land to the proposed land uses of residential urban land and greenspace, 335 dwellings could be constructed on site until a nitrogen surplus is arrived at. This is considered an accurate reflection of the calculation and agreed by the Competent Authority.
52. In terms of mitigating the nitrogen surplus, the applicant has been successful in securing 366.83 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 366.83kg that needs to be mitigated. The countersigned provisional credit certificate obtained from Natural England is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment.
53. Whilst the applicant has secured an appropriate mitigation strategy for the entire development subject to the purchase of the secured nutrient credits, the applicant has agreed to the use of planning conditions as follows:
 - A restrictive condition ensuring that the 336th dwelling shall not be occupied until a final nutrient credit certificate is provided to the Local Planning Authority demonstrating purchase or an alternative mitigation package addressing the additional nitrogen load arising from the development.
 - A condition ensuring that prior to the occupation of the first dwelling the applicant must provide evidence to the Local Planning Authority that agricultural production on all land within the redline boundary of the proposal has ceased and a management plan has been provided setting out how the applicant will ensure it remains ceased.
 - A condition ensuring that a minimum of 13.28 hectares of greenspace is provided within the development site and that prior to the occupation of the first dwelling a management plan, including the long term design objectives, management responsibilities and maintenance schedules for all areas of

greenspace shall be submitted to and approved in writing by the Local Planning Authority.

54. The Appropriate Assessment undertaken by the Local Planning Authority has found that through the use of appropriate conditions there is a sufficient likelihood that mitigation measures can be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.
55. However, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted on this Screening and Appropriate Assessment. Natural England have not challenged the occupancy rate that has been adopted by the Council and used as part of the Appropriate Assessment considerations. They have concluded that based on the planning documents and nutrient credit certificate submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and they have no objection.
56. Therefore, based on the conclusions of the Appropriate Assessment and the consultation response from Natural England, officers can conclude that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to appropriate planning conditions as set out above.
57. Following the completion of the Habitats Regulations Screening and Appropriate Assessment on this proposal the Levelling Up and Regeneration Act received royal assent on the 26 October 2023, making it an act of parliament. Section 168 of the Act includes provisions which amend the Water Industry Act (1991) to require sewerage undertakers to upgrade certain waste water treatment plants to ensure that by the 1 April 2030 the concentration of total nitrogen in treated effluent that the plant discharges are not more than 10 mg/l.
58. Whilst this has been enacted the provisions in the act also state a further two months may be taken before confirmation is given on which waste water treatment works will be included in the upgrade requirement. This has yet to be published so Natural England have advised that until this happens, they would not recommend that mitigation is calculated assuming which works will be included. The completed Appropriate Assessment does not require updating.

f) Design and Layout and Impact on the Character and Appearance of the Area

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

“This character area adjoins the western boundary of Darlington. The settlements of High Coniscliffe and Merrybent are located on the A67 to the south, and the villages of Killerby, Summerhouses and Denton are inset within the character area. The A1 motorway provides a strong divide in the landscape between the more rural western

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

60. The site is situated on gently sloping and undulating land which falls to the south towards the River Tees and to the east towards the Baydale Beck. The site comprises of several agricultural fields, the vast majority of which are currently under arable use. A rather degraded structure occurs where intensive agricultural use has resulted in narrow field margins. Consequently, much of the site is lacking in any significant vegetation cover or other internal features of value. Along the field boundaries variable vegetation cover occurs depending on the presence of hedgerows. The majority of hedgerows are low clipped with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, an established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However, the site itself is not considered to be of high quality nor in good condition.
61. This planning application is based on a Masterplan for redeveloping a wider site and the planning application has been supported by a Design and Access Statement and a Landscape and Visual Impact Assessment which outlines the evolution of the Masterplan and considers the impact of redeveloping the whole site and the design principles that would then be incorporated into future Reserved Matters submissions.
62. The planning application is to redevelop the site for residential purposes comprising up to 535 dwellings and the Design and Access Statements advises that the development will provide for a mix of dwellings and house types, ranging from 2-5 bedroom units. The open space consists of a series of green corridors spanning through the site which will include informal footpaths and areas of amenity and meadow grassland to provide for recreational activity and to enhance biodiversity. Open space will be provided to the east of the development, providing a strong green buffer and public accessible open space adjacent to Baydale Beck. Strategic open space will be provided within the western part of the site which will include formal sports pitches and playing pitches. Areas of green infrastructure will also include space for habitats and wildlife, with access to nature for residents.
63. To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition, recreational footpath connections are provided through the green infrastructure with direct connections onto Coniscliffe Road,

- Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. There is an existing bridge crossing over the Beck from this application site to provide some pedestrian connectivity to the existing urban area.
64. The layout of streets would provide a safe and well overlooked public realm and the streets would be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.
 65. An indicative phasing plan has been submitted in support of the planning application, but a planning condition has been imposed to secure the precise and final details of how the phases within the development will be brought forward.
 66. To comply with Local Plan policy, planning conditions have been recommended to ensure that 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard (policy (H4)); to secure the submission of details of materials of the dwellings (policy DC1); to secure the location of play areas and greenspace (Policy ENV4); to secure suitable broadband connectivity (policy IN8)
 67. The Landscape and Visual Impact Assessment submitted in support of the application concludes that the site has the potential to accommodate a well-planned residential development without causing significant harm to the wider settlement or local landscape context. The scale and size of the development would be in keeping with the existing residential character at the edge of Darlington. The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south) and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected, and a high quality residential development could be created which minimises detrimental environmental effect.
 68. Officers accept the findings of the Assessment and whilst such matters will be considered in detail with the submission of Reserved Matters application, the layout of the Masterplan shows that the site can be satisfactorily redeveloped for residential purposes. A planning condition would be imposed to ensure the future Reserved Matters submissions are developed having regard to the Masterplan and the design statements contained within Appendix B of the Local Plan.
 69. The development would be compliant with policies DC1, H4, ENV3, ENV4, ENV5, ENV6 of the Local Plan and LCM1, LCM3, LCM4, LCM7 and LCM8 of the Neighbourhood Plan in this regard.

g) Highway Safety

Access

70. It is proposed to take access to the development from a single point of access located on Coniscliffe Road (A67) by means of a new priority 'ghost island' junction located to the west of the Baydale Beck Inn. The new junction will connect with a central spine road running north through the development and connecting through to the second proposed development located to the north, forming a link to Staindrop Road. Ultimately a future link to the north from Staindrop Road onto Newton Lane is envisaged as part of the local plan Infrastructure delivery plan (IDP) and is part of the long-term highway network management plan required to ensure the safe and expeditious movement of traffic. A new roundabout on the northern site (Gladman) will be sized accordingly to accommodate a future fourth arm to the north towards Newton Lane forming a further link.
71. Whilst the principle of the southern access points is accepted, there will be a need for further design work to develop the scheme in accordance with DMRB standards as part of Section 278/38 technical approval, and as such detailed design work will be secured by a suitably worded condition.
72. The access junction arrangements are to include footway and cycleway links to existing infrastructure which must be constructed prior to any other development work. It is likely that a new outbound bus stop will be required on the southern side of Coniscliffe Road to ensure that the initial phases of build are within the accepted 400m walking distance of the nearest bus stops but this will be confirmed as part of future discussions. This is to be located just west of the Baydale Beck Inn, with a new raised platform and approximately 50m of footway to link to the Gate Lane development footway link footway and crossing island. A bus service will eventually be routed into the development and connect to Staindrop Road, with a maximum limit of 300 dwellings being permitted before the link road to Staindrop Road must be fully delivered.
73. This link will form an arterial link between Staindrop Road and Coniscliffe Road and will need to be of suitable design to enable busses and other large vehicles to pass through, a minimum carriageway width of 6.7m is required to provide sufficient link capacity and accommodate all expected vehicle movements including busses.
74. Future reserved matters and phasing plans will need to detail access junctions needed to form access developments cells. Junction spacings must accord with the minimum standards set out in Appendix 5.5 of the Tees Valley Design Guide (TVDG). Where roads only serve residential dwellings and do not form a strategic link or bus route within the site, they may be reduced to a minimum carriageway width of 5.5m. A 4.0m wide shared footway/cycleway should be provided each side of the north south link as advised by the latest DfT guidance for cycleway infrastructure, namely (LtN 1/20).

75. Bus stops should be in the form of half width laybys and located at suitable intervals and locations. Careful consideration will need to be given to the type of dwelling and access arrangement along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network expected to be limited to 20mph with suitable speed reducing features included to ensure that the 20mph limit is self-enforcing.

Traffic Generation and Impact

76. As part of the submitted planning application, a transport assessment has been provided to assess the cumulative impact of both this application for 535 dwellings, (Taylor Wimpey) and the development located to the North submitted by Gladman (985), with further traffic modelling work and analysis being undertaken for the Western side of the town.
77. The Transport Assessment presents expected vehicular trip rates based on TRICS analysis. The TRICS rates used are of the correct order of magnitude for the size and location of development, demonstrating that around 1000 two-way trips in total from both developments are generated in the AM and PM peak periods for the housing element distributed around the wider highway network. Given the scale of the development an area wide microsimulation model was requested to assess the impact of the two developments.
78. A Transport Addendum has been produced to summarise the further modelling work carried out to date as part of the background information for the planning application: A validated Aimsun model was developed to cover the north-western quadrant of the Town, with its extents stretching from the A1(M) to the west, the inner ring road to the east and Blands Corner to the south. The Aimsun model covers the AM peak (07:45-08:45) and PM peak (17:00-1800) periods and this has been validated by traffic surveys (manual classified counts), ATC counts, journey time surveys and queue observations. Timings for the traffic signal junctions were provided by DBC to incorporate in the model as well as bus service data.
79. National Guidance (DMRB) dictates that traffic models should be satisfactorily calibrated and validated and that modelled journey times should be within 15% (or 1 minute if higher) as compared to the observed journey times for 85% of the routes or higher. It has been demonstrated that the base 2016 Aimsun model meets the DMRB criteria.
80. Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Tempro growth (base year traffic growth with Tempro over the network plus committed development including west park and Faverdale business park).
81. The results of the modelling show that mitigation schemes at the A68 corridor though Cockerton and at Blands Corner on the A66 are required on the strategic road network to equal or better the journey times when reviewed against the base scenario in 2032. The modelling work has been independently verified by a consultant employed by DBC to not only review this application, but to review the

wider Local Plan scenarios and has also been agreed in collaboration with National Highways (formerly Highways England) with reference to impact and mitigation works required on the strategic road network.

82. A financial contribution will be required in line with the Infrastructure Delivery Plan within the new DBC Local Plan Framework. The development will therefore be subject to a Section 106 Agreement, which will include a financial contribution towards these off-site works which will be paid on trigger points based on development build out and will be agreed as part of the mitigation works. The link road from Staindrop Road to Coniscliffe Road will be required to be built out based on trigger points agreed with both the Council and National Highways, as part of the traffic modelling works. This has been determined as on the occupation of the 300th dwelling on either site. Triggers for the delivery of other offsite works are to be agreed in conjunction with National Highways and secured via a Section 106 contribution (improvements to the A66) and planning condition (Blands Corner improvements).

Road Safety

83. Recorded Police Personal injury collision (PIC) data has been reviewed for the most recently available five-year period. The data was reviewed in detail to determine if there is any apparent pattern or inherent road safety concerns within the vicinity of the site access. Whilst some incidents are recorded, the number and causes of collisions do not indicate any highway safety concerns that would be materially affected by the proposed development. Overall, it is considered that the proposed development traffic would have no severe cumulative impacts on the surrounding road network, in terms of road safety.

Internal Highway Layout

84. The internal layouts of each development cell will be the subject of future reserved matters application(s), at the appropriate time. Layouts will be required to accord with the requirements of the Tees Valley Design Guide for residential and industrial estate development, which is intended to be used by architects, engineers, planners, and developers involved in the preparation of schemes for new development and gives detailed guidance of highway design and parking standards.
85. The guide indicates the *minimum* standards which a Highway Authority needs to ensure that new highways can be considered for adoption under Section 38 of the *Highways Act 1980*. However, these standards are not intended to prevent any requirement for a higher standard that may be deemed necessary by a Planning or Local Highway Authority. Adherence to the standards set out in the document will ensure that the Highway Authority is willing to adopt the new highways on completion.
86. All footway and cycling infrastructure required for safe access and egress of each phase of the development must be provided prior to occupation of each dwelling to ensure safe means of travel for all modes of transport. This may require links both internally and offsite highway works as part of works to be completed under Section 278 of *The Highways Act 1980*.

87. Additional green infrastructure walking and cycling routes are to be provided across the site. The exact status of these route will need to be further defined and clarified ahead of any reserved matters application(s). If intended to be offered for future adoption as public highway, they will be required to meet all adoptable standards of design and construction which require street lighting and a sealed surface. Any such routes which are required as part of delivering safe routes to school infrastructure will need to be constructed to adoptable standards and included as part of future Section 38 approval plans.
88. A detailed phasing plan is required for each phase of development, to ensure that the wider development is built out in a logical way, which ensures that each section of highway meets adoptable standard with turning facilities at the end of partially completed link roads, along with footways and cycle access to adoptable standards. A suitably worded condition should be applied to approvals for all phases, to ensure that both satisfactory detail and delivery of infrastructure is secured at the appropriate stages. The main link road is designed to offer sufficient capacity in line with the predicted demands of future growth and Local Plan development. In view of both capacity requirements and the cycleway provision on each side of the link road, dwellings should not feature direct vehicle access to maintain priority and continuity of the footway/cycleway provision.

Parking

89. Details of car parking for individual plots or phases of the development would be determined through subsequent reserved matters applications and secured by condition. Parking provision should be made in accordance with the TVDG parking standards which are material consideration at the time of each submission, as the proposed build out period of the development, may be lengthy, it is likely that these standards would change over time. Similarly, this would also apply to provision of cycle parking, and Electric Vehicle charging. A planning condition has been recommended to ensure that all homes have an EV charging space.

Construction Management.

90. A comprehensive and robust construction management plan will be needed for each phase of works for reasons of both highway safety and residential amenity. Mechanical wheel washing plant should be located at each point of access close to the highway boundary from the initial stages of the project. Focus must be on the prevention of mud or other debris being deposited on the highway, rather than reactive measures such a road sweeping.

Structures Requiring Approval

91. Highway structures are not within the scope of the above guidance and will require separate agreement and technical approval. Early engagement and discussion and with the Local Highways Authority should be sought. Highway structure shall be designed in accordance with DMRB CD 350 'The design of highway structures' or any successor. Such structures are defined as a bridge, subway, underpass, culvert, or any other structure supporting the highway with a clear span or internal diameter greater than 0.9m; or a retaining wall situated within 1.5h (where "h" is the retained height of the wall) of the prospectively adoptable highway.

Strategic Road Network Impacts

92. National Highways have been a consultee on the planning applications since they were originally submitted. In 2019, they responded to the Coniscliffe Park proposals, recommending that the adverse traffic impacts the two adjacent developments would cause to the SRN, notably Blands Corner roundabout, would be mitigated through the design and delivery of a mitigation scheme. A financial contribution towards highway improvement schemes further north along the A66 was also agreed. National Highways has confirmed that these requirements remain in place, and they have requested planning conditions for the submission of a detailed scheme for improvement works to Blands Corner which should be completed prior to the occupation of the 105th dwelling.
93. A financial agreement has also been reached for works to the A66 as identified within the Infrastructure Delivery Plan which would be secured by a Section 106 Agreement.

Sustainable Transport Matters

94. Approximately one third of the properties within the application site will be within 400m of a bus service with the remaining 60% of the development approximately within 600m which means that the whole site does not comply with policy IN2 of the Local Plan. As a result, there is a need for a financial contribution for improvements to public transport services and the amount has been agreed with the developer to be secured as part of the Section 106 Agreement.
95. There will be a need for cycle parking provision at each dwelling along with EV charging points which can be secured by a planning condition.
96. A sustainable transport contribution has also been agreed for the creation of a Safe Route to School along with improvements to Public Rights of Way and cycling and walking routes in the vicinity of the application site.

Travel Plan

97. A Travel Plan (2017) has been submitted in support of the planning application. In accordance with the Council's adopted Travel Plan Guidance Note, a travel plan will need to be submitted using Modeshift STARS and the financial contributions for the implementation and monitoring of the Travel Plan would be secured by the Section 106 Agreement.
98. The Council's Highways Engineer, National Highways and the Sustainable Transport Officer have no objections to the principle of the proposed development subject to planning conditions and appropriate financial contributions to be part of a Section 106 Agreement
99. The proposed development would be compliant with policies IN1, IN2, IN3, IN4 of the Local Plan and LCM15 and LCM18 of the Neighbourhood Plan in this regard.

h) Residential Amenity

100. There are no existing dwellings within the immediate vicinity of the development site with the Beck and the A67 being located between the dwellings to the east and south. Planning conditions are suggested to ensure that a Construction Management Plan is submitted for each phase of the development and to secure details of any piling in the interests of safeguarding the amenities of the dwellings in the local area during the construction phase.
101. The amenities of the future occupants would be considered as part of future Reserved Matters applications and via the use of planning conditions to protect them from matters such as road traffic noise and activities at the Baydale Beck Public House, which is located on the southern edge of the application site.
102. A Health Impact Assessment has been submitted in accordance with Policy DC3 of the Local Plan which concludes that the proposals have largely been assessed as delivering positive health impacts by virtue of the design, layout and composition of the development.
103. The planning application would be compliant with policies DC3 and DC4 of the Local Plan and LCM2 of the Neighbourhood Plan in this regard.

i) Flood Risk and Drainage

104. The National Planning Policy Framework 2023 states (para 174), that decisions should contribute to and enhance the natural and local environment by, amongst others, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
105. Policy DC2 of the Local Plan states that new development will be focused in areas of low flood risk (Flood Zone 1). All development proposals will be expected to be designed to mitigate and adapt to climate change. They will be designed to ensure:
 - a) They will be safe over the lifetime of the development.
 - b) Flood risk is not increased elsewhere and will, where possible, reduce flood risk overall.
 - c) Opportunities are taken to mitigate flooding elsewhere.
 - d) Full separation of foul and surface water flows.
 - e) Sustainable Drainage Systems (SuDS) are prioritised; and
 - f) SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) and national standards.
 - g) Opportunities for rainwater harvesting are utilised.

106. The supporting text for policy ENV4 states that the EU Water Framework Directive became part of UK law in 2003 with the primary objectives of achieving good ecological status in water bodies and providing protection for drinking water sources and protected sites (Natura 2000 sites and Sites of Special Scientific Interest). These requirements are reflected in the Environment Agency's Northumbria River Basin Management Plan which covers Darlington Borough. In making decisions on spatial plans and planning applications, the Council has a duty to have regard to the Northumbrian River Basin Management Plan to ensure the protection and improvement of water quality. Changes to the design of development proposals will often avoid harm to water bodies. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact within acceptable levels.
107. This is an outline planning application with matters reserved for future submission, including layout, but a detailed Flood Risk Assessment and outline drainage management plan have been undertaken with respect to the proposed development which considers the setting of the development and likely impact on surrounding areas. A surface water and foul water drainage strategy has been outlined in the report. The developable areas of the site are located within Flood Zone 1 and have a low risk of fluvial flooding. Flood Zones 2 and 3 are located to the east of the site along the route of the Baydale Beck. Exiting overland flood flow routes through the development will be maintained within green corridors thus the development is considered to have a low risk of pluvial flooding. There are no other significant sources of flood risk to the development.
108. The surface and foul water would be disposed of via a mix of the existing infrastructure, a wide range of SUDs basins and features and watercourses and the rate of surface water runoff discharged from the development will be restricted to greenfield flow rates to the Baydale Beck and its tributary. It is anticipated that there will be more than one outfall from the site.
109. In making their response to the local planning authority Northumbrian Water assess the impact of the proposed development on their assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development against this context Northumbrian Water have raised no issues with the application, provided the application is approved and carried out within strict accordance with the submitted Flood Risk Assessment and Surface Water Management Strategy.
110. Northumbrian Water has confirmed that this proposal would be served by Stressholme Sewerage Treatment Works (STW), which has the dry weather flow (DWF) capacity to accept the domestic flows (foul) generated by the construction of the new dwellings.

111. There is only one storm overflow between the proposed site and Stressholme STW. The location of which is immediately upstream of the works and is fully compliant with its permit from the Environment Agency. It is very difficult to accurately forecast the impact this development would have on the existing number and duration of storm spills from this overflow. However, the drainage proposal submitted as part of the application, suggests that this development will discharge surface water directly into a local watercourse which significantly reduces the volume of flows which would be generated from the development which would discharge into the public sewerage system. Northumbrian Water do have the ability to carry out some high-level network analysis to help them determine the impact, however previous data collected for a larger sized development (2000 dwellings) at Burtree Garden Village within the same drainage catchment had suggested that the increase in number of spills would be as little as one per annum.
112. The Government introduced the storm overflows discharge reduction plan, setting out stringent new targets to protect people and the environment. Northumbrian Water has a drainage and wastewater management plan (DWMP) for the Darlington catchment which includes for all future growth as set out by the Local Plan. The storm overflow in question has been identified for improvements between 2030 - 2035. Any scheme identified already will have been sized to accommodate the spill volume and frequency generated with the development included for option development.
113. The Environment Agency has advised that they have no objections to the planning application subject to the imposition of planning conditions, including a condition which requests the submission of a detailed sewage treatment infrastructure plan to include, but not be limited to:
 - a) A timescale for the proposed works at Northumbrian Water Limited (NWL) sewage treatment works, which will provide the required extra capacity and treatment levels to prevent deterioration of the Water Framework Directive (WFD) status of the Tees from Skerne to Tidal Limit waterbody. This will ensure that any proposed works will align with the build times of the development.
 - b) An assessment of the WFD impacts to the Skerne to Tidal Limit waterbody from the increase of foul drainage looking at the impact of Ammonia and Phosphate concentrations of the waterbody. An assessment of the hydraulic capacity, where any combined sewers will be connected into, demonstrating that no additional spills from combined systems will occur due to a lack of hydraulic capacity; and
 - c) An assessment of the total volume of foul drainage that will be generated by the development.
114. The reason for this particular condition is that the Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. It specifically states that no waterbody should deteriorate in status and aim to achieve Good Status or Good Ecological Potential as soon as is reasonably practical. Any proposed plan or development should not contradict the Northumbria River Basin Management Plan 2015. Without this condition, the impact could cause deterioration of the Water

Framework Directive status of the Tees from Skerne to Tidal Limit waterbody, which currently has a WFD status of Moderate. This approach is supported by paragraph 174 of the National Planning Policy Framework and local development plan policies.

115. Any information required by the applicant to satisfy the conditions requested by the Environment Agency would have to be sought direct from Northumbrian Water who have stated on their consultation response that there is both sewerage network and sewage treatment capacity to serve this development and further growth aspirations for this drainage catchment. All storm overflows and sewage treatment works are permitted, and it is the responsibility of Northumbrian Water to ensure that they remain compliant regardless of growth. Large developments such as this application, takes a number of years to complete, giving Northumbrian Water time and opportunity to identify and invest in their assets, where monitoring suggests that they may be getting close to exceeding any of their compliance limits. The Northumbrian Water business plans for 2025-30 which they have recently submitted to their Economic Regulator are based on feedback that they received from customers and stakeholders as well as what regulators want them to do and sets out their ambitions to address the environmental challenges. Northumbrian Water will reduce the number of spills to the environment through storm overflows by 20%, through a very large investment programme of over c.£1bn which focuses on the most significant locations.
116. The Environment Agency is confident their request outlined in their conditions can be provided by the developer in consultation with Northumbrian Water.
117. The Lead Local Flood Authority has also raised no objections to the principle of the development subject to imposition of planning conditions relating to the future submission of a detailed surface water management scheme; the implementation of the submitted Flood Risk Assessment especially the surface water runoff rate and the submission of a maintenance plan for any SuDs scheme, which are standard planning conditions.
118. Overall, the proposed development would accord with the NPPF and Policies DC2 and ENV4 of the Local Plan LCM3 of the Neighbourhood Plan in this regard.

j) Climate Change

119. Whilst the layout of the development will be subject to future Reserved Matters submissions, the layout orientation and design of buildings will be expected to take into account the needs for energy consumption, energy efficiency and carbon emissions from the development (Policy DC1 of the Local Plan). A financial contribution has been agreed to extend a bus service into the site and planning conditions would be used to ensure appropriate levels of cycle parking, both of which are to encourage sustainable methods of transport (Policy IN2 and IN4). The SuDs scheme would need to be designed to be resilient to the effects of climate change (Policy DC2 of the Local Plan) and every new residential dwelling which has a garage or dedicated marked out parking space within its curtilage will include an electrical socket suitable for charging electric vehicles (Policy IN4 of the Local Plan). Detailed landscaping schemes will be submitted as future Reserved Matters, and these can include appropriate species beneficial to climate change (Policy DC1 and

ENV4 and ENV5). In June 2022, Part L of the Building Regulations was updated to cover the conservation of fuel and power in the building of new homes in England, for example all new homes have to produce 31% less carbon emissions than was previously acceptable. These rules are an interim measure ahead of the introduction of the Future Homes and Building Standard which wants to ensure that from 2025 all new homes produce 75 – 80% fewer emissions.

k) Air Quality

120. The Environmental Statement submitted in support of the planning application expands upon the original Air Quality Assessment (Revision 3) submitted with the planning application in 2017. The assessment looks at the impacts on local air quality as a result of the construction phase associated with the proposed development as well as the impact on air quality in the operational phase of the development as a result of road traffic, considering both existing and proposed sensitive receptors.
121. The Air Quality of the Environmental Statement has been updated which takes into account the latest Defra assessment tools revised in August 2020. The air dispersion model ADMS-Road version 5.0.0.1 was used to predict concentrations of NO₂, PM₁₀ and PM_{2.5} at existing and proposed receptor locations. The modelling carried out considered four scenarios including the baseline year 2019 and 2032 (anticipated completion year) with cumulative development and transport mitigation measures (Cockerton Roundabouts but not the travel plan measures). The significance of the impact of the development generated road traffic emissions on local air quality has been assessed at existing receptor locations including Coniscliffe Road, Carmel Road North and South, Staindrop Road and new receptors introduced by the development itself. The impact of the development on air quality assessed in accordance with the guidance in IAQM 'Planning for Air Quality' January 2017 concluded that NO₂, PM₁₀ and PM_{2.5} concentrations at existing receptor locations for all scenarios was negligible, below the relevant air quality objectives and is considered not significant. The predicted concentrations of NO₂, PM₁₀ and PM_{2.5} at new receptors introduced by the development were also below the relevant air quality objectives confirming the site in terms of air quality is suitable for a housing development. The Air Quality Assessment also considers the impact of emissions of dust from activities such as earthworks as well as construction vehicle and machinery exhaust emissions during the construction phase. The risk of dust impacts is considered to be a medium risk for soiling effects on people and property and low risk to human health. The report recommends mitigation measures for the construction phase which would need to be form of a Construction Management Plan which would be secured by a planning condition.
122. The proposal would be compliant with policy DC4 of the Local Plan and LCM8 of the Neighbourhood Plan.

I) Noise

123. The Environmental Statement submitted in support of the planning application expands upon the original noise impact assessment and noise statement submitted with the original application. Daytime and nighttime noise measurements were taken at three locations (on the western, eastern and southern site boundaries) in order to establish typical ambient and background noise levels externally at the site. The site is bound by a proposed housing development site for up to 985 No. dwellings to the north (17/00636/OUT), Broken Scar Treatment Works to the east with existing housing on the Mowden Estate beyond, Coniscliffe Road (A67) and the Baydale Beck Public House to the south, and residential properties to the west, beyond which lies the A1 (M).
124. The assessment considered three example dwellings (in the locations where monitoring was undertaken) which were considered to be the most exposed to noise in each area of the site (in aiming to represent a 'worst case scenario') and calculated the likely noise levels that will be experienced at the proposed dwellings in these areas. The noise environment at the site is characterised as being predominantly noise from road traffic on the nearby road network particularly from the A1 (M) to the west. As well as existing noise levels being measured at locations on the site, impacts on noise levels due to an increase in road traffic associated with the proposed developments (this application and the one to the north), as well as committed developments has also been considered/predicted.
125. The report concluded that for proposed dwellings and associated gardens closest to road traffic noise sources mitigation will be required to ensure suitable noise levels in accordance with the guidance (BS8233:2014 and World Health Organisation Guidelines for Community Noise 1999) are achieved. Potential mitigation is suggested which includes the installation of an acoustic barrier to the north western corner of the site (along with careful consideration of site layout) and certain glazing and ventilation specifications.
126. The results of the traffic assessment have been used as the basis for determining the change in road traffic noise levels resulting from development generated traffic. Considering the cumulative impact of the proposed development with the adjacent development immediately to the north (worst case), the vast majority of changes on the considered road links are very low. The only link identified as medium impact is a section of the B6279. However, the proposed development provides no contribution to this change. Based on this and the sensitivity of the receptors, it is considered that there will be, at worst, a permanent minor adverse effect as a result of development generated road traffic.
127. In relation to noise from Coniscliffe Grange Farm impacting the site this has not been included in the assessment. Having considered the noise assessment which accompanied the planning application for the land to the north of this site the Council's Environmental Health Officer was generally satisfied that noise from Coniscliffe Grange Farm is not likely to have an adverse impact on this site given its distance from the application site.

128. Noise and vibration associated with the construction of the development has been considered. It is considered that the effect of construction noise will be moderate adverse at worst for existing and proposed sensitive receptors, with the potential for a major adverse effect over a short term period (based on BS5228:2009). It is detailed that a Construction Environmental Management Plan will be implemented to ensure best practicable measures are put in place with regard to each phase of the proposals in looking to minimise any noise and vibration impacts associated with these works.
129. The proposed off site highway measures were tested in a model with results showing an increase in capacity at the junctions yet a reduction in delay. The noise assessment has taken into account the traffic flows/data with the mitigation measures in place and considers proposed and existing sensitive receptor locations and the impacts. Since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) this will likely have positive impacts in relation to noise.
130. Generally, the Council's Environmental Health Officer was satisfied with the conclusions of the assessment and considered that with mitigation, the site is suitable for residential development.
131. A Noise Statement (2021) has been submitted with the application which states that the assessment of the noise environment detailed in the Environmental Statement remains relevant which the Environmental Health Officer agreed with. Whilst there have been no changes to the times of the licensable activities included in the premise licence for the Baydale Beck Public House, the intensity of the use of the outdoor drinking area has increased in recent years partially due to Covid and a marquee had been erected during the summer months. The noise levels will now be higher and the original noise measurements from this receptor were also taken at a time of year when the outside drinking area would not be widely used i.e. March 2016.
132. Further noise assessment work in relation to road traffic noise and noise from the Baydale Beck Public House will be required at the detailed Reserved Matters stage and a planning condition to secure a detailed noise impact assessment being submitted prior to or at the same time as any Reserved Matter application to finalise the scheme of noise mitigation has been recommended.
133. The development would be compliant with policy DC4 of the Local Plan and LCM2 and LCM8 of the Neighbourhood Plan

m) Land Contamination

134. A Preliminary Geo-environmental Appraisal report has been submitted with the application which looks to assess any geo-environmental issues and implications for the current and proposed use of the site for development into residential. The scope of the works so far has included a site walkover and inspection, an assessment of the environmental setting and land use history of the site and adjacent area, identification of potential receptors and derivation of a site conceptual model, as well as an assessment of the anticipated foundation and engineering issues

associated with redevelopment of the site for a residential end-use, as well as the provision of recommendations for any appropriate ground investigation works.

135. Council records indicate that the development site has not been identified as potentially contaminated land under Part 2A of the Environmental Protection Act 1990 and in accordance with DEFRA Statutory Guidance (2012) and the Council's Contaminated Sites Inspection Programme (2013). The proposed housing development site does however lie immediately adjacent to Site_01742 Merrybent Wood associated with the former Merrybent Nurseries and Site_00917 Broken Scar Treatment Works
136. The report outlines that based on historical maps the development site has mainly been used as agricultural land which is unlikely to have caused ground contamination. However, a raised area of made ground has been identified in the south eastern field which is considered to potentially comprise material excavated during the widening of the Baydale Beck (derived from historical maps). The sewage treatment works adjacent to the eastern site boundary, although considered within the report unlikely to be significant, is also a potential source of ground contamination and it is highlighted that any historical buried waste at the site could present a risk of hazardous gas. In addition, contamination was recorded during investigation of the site to the west of the subject site. While this was remediated under planning, the extent of the original contamination and its possible effects on the subject site is not known at this stage. Alluvial deposits adjacent to the eastern site boundary are also considered a potential source of methane and carbon dioxide ground gas.
137. While the exact site layout is unknown at this stage the report acknowledges it is understood that consideration is being given to development of the site with two storey domestic dwellings, associated gardens, Public Open Space areas, and adoptable roads and sewers. Receptors mentioned within the report are therefore considered to be residents of the new proposed dwellings, any visitors using areas of potential public open space and residents in neighbouring dwellings, as well as future utility maintenance workers who could be affected by contaminants that remain in the ground following development of the site. It is recognised that transient risks to construction workers are likely to be addressed through the adoption of health and safety measures and similarly any risk to residents in neighbouring dwellings due to airborne dust or vapours during redevelopment works should be addressed by the adoption of suitable mitigation measures.
138. In relation to controlled waters the report acknowledges the nearest surface watercourse is the Baydale Beck, which flows in a southerly direction, approximately 2 metres beyond the site's southern and eastern boundaries. There is also an unnamed tertiary river that flows eastwards across the site centre into Baydale Beck on the site's eastern boundary, as well as a small pond offsite adjacent to the centre northern site boundary. In terms of groundwater the glacial till drift deposits beneath the north of the site are classified as a Secondary Aquifer (Undifferentiated Layers) and the Glaciofluvial Terrace deposits (sand and gravel) beneath the south of the site are classified as a Secondary A Aquifer. The underlying Dolostone (Ford formation) is classified as a Principal Aquifer. The report outlines that the site is located within a Source Protection Zone 2 (outer catchment) and two Source

Protection Zone 1 (inner catchments) are located 15 metres to the south and 29 metres to the east of site.

139. The current use of the site is considered unlikely to have given rise to significant ground and groundwater contamination; however, localised contamination is possible in the southeast of the site due to the raised land (made ground) and the adjacent sewage treatment works. Localised contamination is also possible in the southwest of the site adjacent to the previously remediated land.
140. The report concludes that whilst the site is considered suitable for its proposed use, further intrusive investigation will be required given the proposed change in use.
141. Appropriate planning conditions relating to contaminated land have been recommended and the development would be compliant with policy DC1 of the Local Plan and LCM 8 of the Neighbourhood Plan.

n) Impact on the Setting of Heritage Assets

142. The application site is not within a Conservation Area nor located in close proximity to a conservation area. Located approximately 450m south east of the site is Coniscliffe Road Waterworks which is designated as a Scheduled Monument. This site is screened from the proposed development area by other buildings and trees, and so the buildings are not intervisible with the site. There are seven Grade II listed buildings and one Grade II* listed building within 1km of the site but due to a lack of intervisibility with the proposed development area, their setting and significance will not be affected. It is considered that the proposed development would not have an adverse impact on any heritage assets in the locality of the site. Historic England have raised no objections or comments on the planning application.
143. The development would be compliant with ENV1 of the Local Plan, the National Planning Policy Framework 2023 and LCM8 and LCM10 of the Neighbourhood Plan in this regard.

o) Impact on Existing Trees and Landscaping

144. No trees on the site or adjacent to the site are covered by Tree Preservation Orders. The site comprises four arable fields with boundary hedgerows, trees and vegetation whilst an improved grassland field characterises a section of the southern extent of the site. A total of 116 trees and tree groups were previously identified and assessed as part of a Tree Survey submitted in support of the application. The majority of the trees were identified as Category B and C trees with twelve considered to poor specimens and should be removed. The existing hedgerows within and around the site were not identified as being species poor and not important hedgerows.
145. Whilst landscape proposals for the site would be submitted as a Reserved Matter for future considerations, the submitted Tree Survey states that it would be possible to retain existing trees and hedgerows within a proposed layout of the site although some removals will be required to create the access of Coniscliffe Road. The removals comprise sixteen trees which are poor specimens and seven Category C trees. It is envisaged that new tree planting will be located along the main avenue through the site and at the entrance gateways to the development. Elsewhere, use of street trees will establish a distinct character for the development. Within the

open space larger growing tree species will be used including a higher proportion of native species.

146. The Masterplan shows that appropriate landscape buffers along the western and northern boundaries can be incorporated into a proposal alongside a well landscaped frontage along the A67. This would accord with the design principles set out in Appendix B (Housing Allocations Statements) of the Local Plan
147. As well as the submission of a landscaping scheme, a planning condition to secure the submission of an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan for each phase of the development has been recommended.
148. A planning condition has been recommended to ensure that details of tree works and protection measures associated with the offsite highway works are submitted for consideration.
149. The Housing Allocations Statement for the site within Appendix B of the Local Plan makes reference to landscaping guidance that would need to be taken into account as part of the landscaping Reserved Matters submission and further guidance has been given by the Council's Ecology consultant which is reflected in the wording of the planning conditions. Planning conditions have been recommended to ensure that any landscaping scheme is reflective and generally compliant with the guidance.
150. Overall, subject to an appropriate landscaping scheme, the development would accord with policies DC1, ENV3, ENV4 of the Local Plan and LCM1 of the Neighbourhood Plan in this regard.

p) Impact on Footpaths and Public Rights of Way

151. Bridleway No. 4 in the Parish of Low Coniscliffe runs north south through the site and Footpath No. 8 In The Parish of Low Coniscliffe runs east west from the Baydale Beck across the site to connect to the Bridleway.
152. The Landscape and Visual Impact Assessment submitted in support of the application concludes that features along the routes such as hedgerows, trees, ditches and watercourse would largely be retained and whilst the proposed residential development within the site would change the nature of views and result in a loss of open setting the initial effects on Rights of Way within the site range from Moderate/Major or moderate adverse, reducing to Moderate or Minor adverse as tree and shrub planting within the open space and greenway corridors establish. A partial view of the proposed development would occur from a short section of Teesdale Way to the south of the site. Views of built development would be filtered by existing hedgerow and trees along Coniscliffe Road. The existing vegetation would be supplemented by additional tree planting within a landscape buffer proposed adjacent to Coniscliffe Road. Initial Minor adverse effects would reduce to negligible overtime.

153. Whilst the routes will undoubtedly provide a completely different user experience when development is complete, the Public Rights of Way crossing and abutting the site are planned to remain on their current alignment, without the need for a diversion, which is welcomed.
154. The Bridleway (Low Coniscliffe No 4) that runs along the edge of the site and then crosses it, must have its current width maintained, and be provided with additional screening measures along its edge to prevent visual disturbance so far as is possible. Improvements to this Bridleway given the anticipated increase in traffic along it would be expected to be done by the developer.
155. Footpath No 8 will be retained in a green corridor along the Beck and SUDS ponds, which is welcomed and where it crosses the spine road, there will be a need for a safe pedestrian crossing point.
156. Although it is positive that there seems to be no need or desire for the existing PROW routes to be diverted these are only based upon the current plans submitted. Detailed site plans of the proposed development have yet to be submitted by the developer and it is very possible, and quite likely in the opinion of the Council's Rights of Way Officer, that some degree of diversion will be requested by developers within the scope of the development, but this will be considered as future Reserved Matters applications are brought forward and submitted.
157. Any identified improvements to the footpaths within the application site would be a cost for the developer.
158. There are several other Public Rights of Way in this area and as part of a Section 106 Agreement, the applicant has agreed to a financial contribution to improve and upgrade some of these paths given the increase of people to the area, who will undoubtedly be using these paths regularly for exercise, dog-walking etc.
159. Overall, it is considered that the development will not have an adverse impact on the character of the footpath network or impact upon the experience of those that would use them. A planning condition has been recommended for a PROW strategy document to be provided for this development, detailing the proposed shielding, surfacing, crossings, existing furniture upgrades, bridge upgrades, any requirements for diversions and other provisions made for the PROW both on and surrounding the site. It would also contain timelines and details of how PROW users will be kept safe during the development phase.
160. The development would be compliant with policies IN2 and IN3 of the Local Plan and LCM19 of the Neighbourhood Plan in this regard.

q) Ecology

161. An Extended Phase 1 Survey has been submitted in support of the planning application. The Survey indicate that there are no statutory designated sites within a 2 km radius of the site. A total of four non-statutory Local Wildlife Sites (LWS) have been identified within 2 km of the site, the closest being Broken Scar LWS situated beyond Baydale Beck to the east of the site. The Survey advises that it is unlikely that the proposed development will impact land beyond the site boundary. Furthermore, as the Baydale Beck and the surrounding woodland along the eastern site boundary are to be retained following the development they will provide a buffer zone between the site and the designated LWS site.
162. A Phase I Extended Habitat Survey was undertaken by Delta Simons along with a number of other ecological surveys prior to the submission of the application in 2017. The results confirmed that the majority of the site was not of significant ecological value and the recommendations of the Surveys were taken into account during the preparation of the submitted Development Framework Plan (Masterplan). The ecological reports were updated in 2019 and again in 2021. The latest report states that the following habitats are found on the site:
- a) Scattered broadleaved trees;
 - b) Improved grassland;
 - c) Poor semi-improved grassland;
 - d) Tall ruderal;
 - e) Running water;
 - f) Arable;
 - g) Intact species-poor hedgerow;
 - h) Defunct species-poor hedgerow;
 - i) Species-poor hedgerow with trees;
 - j) Fencing;
 - k) Dry ditch;
 - l) Hardstanding; and
 - m) Bare ground.
163. Birds present at the site are typical of farmland, hedgerow and woodland habitat in the local area. Many species were common, with widespread red and amber listed species also recorded as probable or possible breeders. The Great Crested Newt (GCNs) surveys identified a small population within the pond immediately beyond the northern site boundary (outside of the application site). The unmanaged field margins, tall ruderal vegetation and grassland provide suitable cover and foraging for GCNs known to occur within the pond adjacent to the northern site boundary, whilst hedgerow bases provide further sheltering and potential hibernation opportunities. The boundary vegetation may offer limited opportunities for reptiles to occur and there is considered a low risk of them dispersing onto the application site. The site does provide roosting opportunities for individual bats within a number of trees within hedgerow boundary features. The bat activity surveys recorded five species of mostly common and relatively light tolerant bat species, although at least one species of bat considered widespread, but rarer was recorded, and at least one

highly light averse species. The results indicate only low numbers of bats utilise the site for foraging and commuting, and that the site forms a small part of a wider network of suitable foraging habitat. The site and adjacent habitat provide opportunities for badger, otter, brown hare and hedgehog, known to occur within the local area, and whilst brown hare will disperse away from any disturbance, the other species may venture onto site during the proposed works.

164. The latest assessment concludes that no further survey work regarding protected and priority species or habitats is deemed necessary at this time. However, further nocturnal survey works would be required where trees assessed to have low or moderate Bat Roost Potential will require heavy pruning or removal or experience increased lighting in order to determine the presence or likely absence of roosting bats.
165. The assessment includes a detailed list of recommendations and mitigation measures to be carried out during the construction and operational phases of the development relating to breeding birds; GCN, reptiles, bats, badger, hedgehog, otter and brown hares. The Assessment also advises that the site should be enhanced by bat boxes, small holes boxes, next boxes, house sparrow terraces and starling boxes. The mitigation measures and enhancements can be secured by planning conditions.
166. The Council's Ecology consultant has advised that the data supporting the application is sound and the recommendations held within Ecological Appraisal will ensure that impacts on species are accounted for with the development process. The General Site Enhancements listed in the Ecological Appraisal provide a good starting point for encouraging wildlife across the site and would be expected to be detailed within final landscaping plans at Reserved Matters stage.
167. There is a requirement under Policy ENV 7 and Policy ENV 8 of the Local Plan and under the Environment Act 2021 to undertake a biodiversity net gain (BNG) assessment of the site. An assessment including Biodiversity Net Gain (BNG) calculations for the site to achieve a net gain in biodiversity has been submitted in support of the application which concludes that based on the information provided, the development can potentially achieve a 10% net gain in biodiversity. As such, it is considered that the proposed development would comply with the current requirements of the local policies for provision of net gain (ENV7 and ENV8).
168. The Council's Ecology consultant has agreed that the submitted DEFRA Metric indicates that the development can, in principle, deliver a net gain as required by the NPPF and the Local Plan. The net gain can be delivered on site and there is no requirement for an off-site location or financial contribution.
169. However, at Reserved Matters stage an updated DEFRA metric will be required to match with an updated Landscape Masterplan to show a net gain in line with the draft metric provided with this outline application. An updated and detailed Biodiversity and Ecological Management Plan will also need to be secured by a planning condition. The management plan will run for a minimum of 30 years and include target habitat descriptions alongside details of habitat enhancement and long-term management. Monitoring protocols will also be expected to be detailed

and span the duration of the plan. The management plan should include clear review periods and a mechanism for supplying the Local Planning Authority with the results of monitoring and reviews. The Outline Biodiversity and Ecological Management Plan submitted in support of this planning application gives the Local Planning Authority confidence that habitat can be managed in an appropriate manner.

170. Overall, the proposed development would be compliant with policies ENV7 and ENV8 of the Local Plan and LCM5 and LCM6 of the Neighbourhood Plan in this regard.

r) Affordable Housing

171. Policy H5 of the Local Plan requires proposals in the Heighington and Coniscliffe Ward to provide 20% affordable housing, of which, 50% for affordable rent and 50% for affordable home ownership. The applicant has acknowledged this requirement which would be secured as part of a Section 106 Agreement

s) Sport Provision

172. The occupiers of the new development will generate demand for sport provision and facilities and if this demand is not met then it may place additional pressure on existing sports facilities creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the new development meets any new sports facility needs arising as a result of the development. Sport England have advised that from the Council's latest Playing Pitch Strategy it is evident from that there is some localised pressure on the capacity of community use pitches Wyvern and Hummersknott Academies.
173. Planning application 17/00636/OUTE for land to the north includes two playing fields. One would be associated with the proposed school, and one would be freestanding community facility which the occupants of this developer and elsewhere would benefit from. It would be the intention to have the field associated with the school constructed and managed to allow for community use so they can be counted as community sport provision. These two areas, together, would meet the playing pitch requirements for both sites, as required by the Council's SPD on Planning Obligations and Sport England are supportive of this proposal. Planning conditions to secure the community use would be attached to 17/00636/OUTE. The development would be compliant with policy IN10 of the Local Plan in this regard.

t) School Places

174. The Masterplan and the proposals submitted under 17/00636/OUTE show land reserved for a 1.83ha site sufficient for a 420 place primary school and 52 place nursery for a time period of ten years. The requirement of the land to be retained for a school would need to be reviewed at agreed points and this mechanism would form part of the Section 106 Agreement for 17/00636/OUTE. The scheme would accord with policy IN10 in this regard.

u) Developer Contributions

175. 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.
176. The Heads of Terms that have been agreed with the applicant are:
- A Public Transport contribution of £262,500
 - Public Rights of Way Improvements and Safe Route to School contribution of £423,207.75
 - Travel Plan Contributions consisting of:
 - a) £2850 monitoring fee
 - b) £160,500 for Personalised Travel Advice
 - c) £107,000 for Travel Plan Implementation Bond
 - Off site Highway Improvements Works on the A66 of £310,212.79
 - Management Programme for open space and play areas.
177. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

THE PUBLIC SECTOR EQUALITY DUTY

178. 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. The dwellings would be built to the minimum requirements of Part M of the Building Regulations and footpaths will include appropriate design features such as tactile paving and dropped kerbs etc. It is envisaged that the development will comply with Policy IN2 in the regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

180. The Darlington Local Plan (2016 – 2036) allocates the application site for housing development which will contribute towards meeting the Borough’s housing need over the plan period to 2036. The site is also identified in the Local Plan as being within the development limits. The site is not shown as such by the Low Coniscliffe and Merrybent Neighbourhood Plan which was adopted in 2019. However, Neighbourhood Plans are required to be in general conformity with strategic policies contained within Local Plans that cover their area. Policies in a neighbourhood plan may become out of date if they conflict with policies in a local plan that is adopted after the making of the neighbourhood plan. Essentially, the more recently adopted planning policy takes precedence. In light of this, and as the Darlington Local Plan (2016-2036) was more recently adopted, where any conflict exists between the neighbourhood plan’s strategic and non-strategic policies in the Darlington Local Plan (2016-2036) the Local Plan policies should take precedence. As a result, the principle of redeveloping this application site for residential purposes is acceptable in general planning policy terms subject to compliance with other national and local plan policies.
181. The application is Environmental Impact Assessment development under Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations. The impacts of the matters for consideration in the ES (Traffic and Transport; Air Quality Noise and Vibration) has been fully taken into account by the Local Planning Authority.
182. This outline planning application is based upon a Masterplan that includes this application site and land to the north which is the subject of a separate planning application (ref no: 17/00636/OUTE) and is also on this agenda for consideration. The planning applications have been considered both individually but also cumulatively in terms of their location and connectivity with the western edge of the urban area and their impact on matters such as infrastructure links, residential amenity, flood risk, ecology, trees, noise, air quality, Public Rights of Way and the local and strategic highway network. This is an outline planning application with all matters apart from access reserved for future submissions and consideration, but based on the technical information that has been submitted at this stage, the principle of the development is considered to be compliant with the local development plan and the National Planning Policy Framework 2023 subject to the planning conditions and planning obligations listed below.

THE DIRECTOR 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:

- A Public Transport contribution of £262,500
- Public Rights of Way Improvements and Safe Route to School contribution of £423,207,75

- Travel Plan Contributions consisting of:
 - d) £2850 monitoring fee
 - e) £160,500 for Personalised Travel Advice
 - f) £107,000 for Travel Plan Implementation Bond
- Off site Highway Improvements Works on the A66 of £310,212.79
- Management Programme for open space and play areas.

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 MIND 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

GENERAL

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

APPROVED PLANS

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Drawing Number CR D LP01 REV A - Location Plan
 - b) Drawing Number 14011/GA/01 Rev D Site Access Proposals

REASON: For the avoidance of doubt

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

REASON: For the avoidance of doubt

HILLSIDE CONDITION

6. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 4) and the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_N) listed at condition 7 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.

REASON: For the avoidance of doubt

MASTERPLAN

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

REASON: In order to achieve a satisfactory form of development

NUTRIENT NEUTRALITY

8. The 336th dwelling of the development hereby permitted shall not be occupied until:
 - a) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address the additional nutrient load imposed on protected European Sites by the development beyond the occupation of the 336th dwelling and shall allow the Local Planning Authority in consultation with Natural England to ascertain that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - b) All measures forming part of that mitigation package have been implemented as approved.

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

9. Prior to the occupation of the first dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to show that agricultural production on all land within the redline boundary of the planning application site has ceased. The evidence shall include the submission of a management plan setting out how the agricultural use remains ceased and an annual report demonstrating continued adherence to this mitigation strategy.

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

10. Notwithstanding the approved plans, the development hereby approved shall include a minimum of 13.28 hectares of greenspace, unless otherwise agreed by the Local Planning Authority and prior to the occupation of the first dwelling, a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) The detail, extent and type of new planting;
- b) Details of management regimes including confirmation that the green spaces will be managed with no or low fertiliser input; This document was classified as:
- c) Details of any new habitat created on site including new drainage basins, habitat piles and great crested newt hibernacula;
- d) Details of treatments of site boundaries and/or buffers around water bodies;
- e) Details of dog waste bins and
- f) Details of management responsibilities

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

EXTERNAL MATERIALS

11. No dwellings hereby approved within the development as a whole or within each phase of the development shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings in that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the visual amenity

NOISE

12. For each phase of the development, prior to or at the same time as a reserved matters application relating to layout, a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise (from the A1(M), Coniscliffe Road and the new strategic spine road) and noise from the Baydale Beck Public House, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings based on good acoustic design* and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment.

- a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:
 - Internal noise levels for bedrooms shall not exceed 30dB LAeq(8 hour)**
 - Internal levels shall not exceed 45dB LAFmax more than 15 times during the night***

- Internal noise levels for living rooms shall not exceed 35dB LAeq(16 hour)**
- External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)** unless otherwise agreed in writing with the Local Planning Authority

* A good acoustic design process should be followed in accordance with Professional Practice Guidance on Planning & Noise New Residential Development, May 2017.

** LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00. In relation to garden areas, where possible the desirable level of 50dB LAeq(16 hour) shall not be exceeded.

*** Justification shall be included in the noise impact assessment on the external LAFmax used to calculate the façade mitigation required and internal noise levels.

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

- Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.
- The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
- A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.

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

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

REASON: In order to safeguard the amenities of the future impacts of the development

CONSTRUCTION IMPACTS

13. Prior to the commencement of each phase of the development, a site-specific Construction Management Plan shall be submitted 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 construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) Details of any temporary construction access to the site including measures for removal following completion of construction works.
- d) Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- e) The parking of contractors' site operatives and visitor's vehicles.
- f) Areas for storage of plant and materials used in constructing the development clear of the highway.
- g) Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- h) Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- i) Protection of carriageway and footway users at all times during demolition and construction.
- j) Protection of contractors working adjacent to the highway.
- k) Details of site working hours.
- l) Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- m) Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- n) Measures to control and monitor construction noise.
- o) An undertaking that there must be no burning of materials on site at any time during construction.
- p) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
- q) Details of the measures to be taken for the protection of trees.
- r) Details of external lighting equipment.
- s) Details of any ditches to be piped during the construction phases.
- t) A detailed method statement and programme for the building works; and
- u) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON: In the interests of highway safety and to protect the amenity of the local area

14. Construction work for each phase of the development, including the use of plant and machinery (including generators) as well as deliveries to and from the site(s), shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: To protect the amenity of the local area

15. For each phase of the development, if piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To protect the amenity of the local area

LAND CONTAMINATION

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023

18. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023

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

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

20. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised,

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

PHASING PLAN

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

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

FLOOD RISK AND DRAINAGE

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

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

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Policy DC2 of the Darlington Local Plan and the National Planning Policy Framework 2023

23. The development permitted by this planning permission shall only be carried out in accordance with the approved document “Flood Risk Assessment and Surface Water Management Strategy for a Proposed Residential Development at Coniscliffe Road, Darlington” dated “ produced by ID Civils Design Ltd dated October 2017” and the following mitigation measures detailed within the FRA:

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

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

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

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

25. The development permitted by this planning permission shall only be carried out in accordance with the approved "Flood Risk Assessment and Surface Water Management Strategy for a Proposed Residential Development at Coniscliffe Road, Darlington" dated "produced by ID Civils Design Ltd dated October 2017" and the following mitigation measures detailed within the FRA:

- a) Limiting the developable area, excluding roads and footpaths, outside of the flood zone areas and outside of the 8 metre easement of the Main Rivers in the vicinity.

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

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

26. The development hereby permitted shall not commence until such time as a detailed sewage infrastructure plan has been submitted to, and approved in writing by, the local planning authority. The plan shall be implemented as approved and shall include the following elements:

- A timescale for the proposed works at Northumbrian Water Limited (NWL) sewage treatment works, which will provide the required extra capacity and treatment levels to prevent deterioration of the Water Framework Directive (WFD) status of the Tees from Skerne to Tidal Limit waterbody (GB103025072595). This will ensure that any proposed works will align with the build times of the development;

- An assessment of the WFD impacts to the Skerne to Tidal Limit waterbody (GB103025072595) from the increase of foul drainage looking at the impact of Ammonia and Phosphate concentrations of the waterbody.
- An assessment of the hydraulic capacity, where any combined sewers will be connected into, demonstrating that no additional spills from combined systems will occur due to a lack of hydraulic capacity; and
- An assessment of the total volume of foul drainage that will be generated by the development.

REASON - The Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. It specifically states that no waterbody should deteriorate in status and aim to achieve Good Status or Good Ecological Potential as soon as is reasonably practical. Any proposed plan or development should not contradict the Northumbria River Basin Management Plan 2015. Without this condition, the impact could cause deterioration of the Water Framework Directive status of the Tees from Skerne to Tidal Limit waterbody, which currently has a WFD status of Moderate.

27. The development hereby permitted shall not commence until such time as a Construction Surface Water Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved, and the plan should include, but not limited to, the following:

- Treatment and removal of suspended solids from surface water run-off during construction works;
- Approach to ensure no sewage pollution or misconnections;
- Approach to ensure water mains are not damaged during construction works;
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;
- If contaminated land is present then construction runoff is likely to contain hazardous chemicals and elements. If this is the case, a scheme is required to manage the associated risks, and minimise mobilisation of hazardous pollutants into the water environment during construction and site operation.

REASON - To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework 2023.

28. No development shall take place until a Biosecurity Plan has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. The biosecurity plan shall include the following elements:

- biosecurity and Invasive Non Native Species (INNS) management best practice, utilising the check-clean-dry procedure across the site.
- identify specific actions and mitigation for known INNS, and methods to ensure no INNS are brought on to site; and

- a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.

REASON - To prevent the spread of invasive non-native species, such as signal crayfish, Himalayan balsam, American skunk cabbage, rhododendron, giant hogweed, and Japanese knotweed.

29. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy for a Proposed Residential Development at Coniscliffe Road, Darlington" dated " produced by ID Civils Design Ltd dated October 2017". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4901 and ensure that surface water discharges to the existing watercourse.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023.

ECOLOGY

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the Recommendations contained within Chapter 6 of the document entitled "Ecological Appraisal – Land to the North of Coniscliffe Road, Darlington" dated December 2021 and produced by Delta Simons unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interest of protecting habitats and biodiversity

31. At each Reserved Matters stage, an updated DEFRA Metric shall be submitted to and approved in writing by the Local Planning Authority to ensure that the proposal achieves a net gain in accordance with the submitted Biodiversity Net Gain Report "Land North of Coniscliffe Park, Darlington" produced by Delta Simons dated January 2022 unless otherwise agreed in writing by the Local Planning Authority

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

32. At Reserved Matters stage, an updated 30 year Biodiversity and Ecological Management for the who development or each phase of the development 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.

33. The landscaping scheme submitted under condition 1 shall seek to include the following ecological principles:

- The Green Infrastructure corridor alongside the Baydale Beck should seek to significantly enhance the biodiversity value of this feature. Public access arrangements should reflect the importance of this feature as a wildlife corridor and the need to reduce disturbance of habitats along the Baydale Beck.
- The SUDs should incorporate retention basins / wetland habitat types as alternatives to detention basins. Retention features still have a drainage function but deliver far greater biodiversity gains. The use of conveyance features and rain gardens should be considered throughout the development, integrated within Green Infrastructure and the development cells.
- The built environment should also provide opportunities for wildlife. Housing should provide nesting and roosting opportunities for bats, birds and invertebrates through the incorporation of built-in wildlife bricks that provide opportunities for a range of species. The range of species catered for should be expansive and approx. 30% of the houses should include some form of integrated nesting opportunities for wildlife.
- A green corridor to the east which links the Baydale Beck to the development to the north. The corridor could incorporate semi-natural habitats and SUDs features to create ecological connectivity through the site and link the developments.
- The use of flowering lawns rather than more intensively managed traditional amenity grasslands where considered appropriate.

REASON: In the interest of protecting and enhancing habitats and biodiversity

HIGHWAYS

34. Prior to the first occupation of the development, a detailed scheme for the offsite highway improvement works, including an arboricultural works and protection measures, at Blands Corner, shown indicatively on drawing 14011/GA/05 rev D, shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

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

35. Prior to the occupation of the 105th dwelling, the off-site highway improvement works referred to in condition No.34 shall be completed in accordance with such details as approved.

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

36. No more than 300 dwellings shall be occupied under this permission until the link road has constructed to the northern boundary of the site.

REASON: In the interests of highway safety

37. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until swept path analysis, fully detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

REASON: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

38. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

REASON: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

39. Notwithstanding condition 21), except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed phasing plans of the internal highway and footways which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. Details shall include for each individual phase; how each phase(s) of the development provide footway and cycleway connections between one another; and to the proposed Safer Routes to School (STRS) network to the east of the application site, via the 2no proposed bridges and 1no.existing bridge over Baydale Beck (whichever is applicable) and other suitable routes. This will include phasing details for new and improved/modified walking and cycling infrastructure to ensure that the cycling and walking network within the site are developed in a comprehensive and timely manner and provide safer routes to local schools. The development must only be carried out in compliance with the approved engineering drawings and the routes identified will be constructed in accordance with the phasing details prior to the occupation of each phase to ensure that residents have access to community services via active travel.

REASON: To ensure safe and appropriate access and egress and turning facilities to all premises, in the interests of highway safety and the convenience of all prospective highway users.

40. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme of delivery.
REASON: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

41. There must be no access or egress by any vehicles between the highway and in curtilage driveway until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been submitted to and approved in writing by the Local Planning Authority. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
REASON: In the interests of highway safety.

42. No dwelling on each phase of the development must be occupied until the related parking facilities submitted to and approved in writing by the Local Planning Authority. The agreed parking provision shall be constructed in accordance with the details approved in writing by the Local Planning Authority prior to the occupation of each dwelling on each phase of the development. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
REASON: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

HOUSING MIX

43. The development hereby approved shall comprise 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard. Precise details of how this will be achieved shall be submitted as part of the Reserved Matters applications requested by condition 1) and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036.

SUSTAINABLE TRANSPORT

44. Prior to the first occupation of dwellings on each phase of the development, precise details of cycle parking provision for each dwelling within that phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking details shall accord with the guidance contained within Cycle Infrastructure Design - Local Transport Note 1/20 July 2020 and shall be in place prior to the occupation of each dwelling.

REASON: In order to promote sustainable modes of transport.

45. Prior to the construction of dwellings within the development, precise details of the location and infrastructure design of bus stops on the proposed link road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be fully implemented to an adoptable standard and available for use within a timeframe to be agreed by the Local Planning Authority.

REASON: To ensure that a bus service can be operational within the development.

46. Prior to the first occupation of the development hereby approved or each phase of the development, details of the type and location of an electrical 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.

PUBLIC RIGHTS OF WAY

47. Prior to the commencement of the development, a phased Public Right of Way Strategy shall be submitted and approved in writing, by the Local Planning Authority. The details shall include but not be limited to, details of shielding, surfacing, crossings and further provisions made for the Public Rights of Way both on and surrounding the site., details of timelines for construction in proximity to the Public Rights of Way and how users will be kept safe during the construction period of each phase. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To protect and enhance the existing Public Rights of Way in accordance with Policy IN1 of the Darlington Local Plan 2016 – 2036.

PLAY AREAS

48. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site, the details of the play equipment that would be provided within the areas and a timeframe for their implementation. The development shall not be carried out otherwise than in complete accordance with the approved details and the agreed details shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

LANDSCAPING

49. The landscaping details to be submitted in pursuance of Condition 1 shall include the provision of green infrastructure based on the formula contained within Policy ENV5 of the Darlington Local Plan 2016 - 2036. The types of green infrastructure shall include informal recreation space, wildlife friendly space, street trees and landscape buffers/enhancements to Baydale Beck corridor including linkages, on the western boundary adjoining the Merrybent Community Woodland to the agricultural land to the north and the frontage with the A67. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the character and appearance of the proposed development and in order to comply with Housing Allocation Statement (Site 41 – Coniscliffe Park South) contained within Appendix B Darlington Local Plan 2016 – 2036.

50. The landscaping details agreed under condition 1 shall be fully implemented concurrently with the carrying out of the development or each phase of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

BROADBAND CONNECTIVITY

51. Prior to the any commencement of development or any phase of the development, above damp proof course level, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing the measures necessary for providing broadband connectivity, including ducts, to each premises within the development hereby approved. The approved infrastructure shall be laid out in accordance with the details as approved at the same time as other services during the construction process and be available for use on the first occupation of each building and thereafter be so maintained for the lifetime of the development.

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.

TREES

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

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

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

TRAVEL PLAN

53. Further to the submitted Framework Travel Plan (May 2017 Rev 2), a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and Highways England. prior to the first occupation of each phase of the development hereby approved. The individual Travel Plan shall be added to the ModeshiftStars Community / Modeshift Stars Business/Residential site and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Bronze Standard within 12 months of the occupation of the phase of development and annual reviews for the first five years of the Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To encourage and promote sustainable transport.

ARCHAEOLOGY

54. No development shall commence until a written scheme of investigation setting out 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 work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework 2023.

55. 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 comply with Paragraph 205 of the National Planning Policy Framework 2023, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

SOIL

56. The development hereby approved shall be carried out with having regard to the methods for safeguarding soil resources, the use and protection of soils in construction projects, including the movement and management of soil resources contained with "Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) produced by DEFRA and the British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

REASON: In order to safeguard soil resources as part of the overall sustainability objectives of the development.

INFORMATIVES

Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from Darlington Borough Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place at the appropriate time.

Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Section 278/38 Agreement with the Local Highway Authority.

Delivery of off-site highway works.

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence and is likely to risk abortive works.

Street Naming and Numbering

It is recommended that 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.

Street Lighting Design

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

Traffic Regulation orders (Speed Limit)

The applicant is advised that contact be made with the Assistant Director : Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss amended speed limits within public highway and the introduction of New Traffic regulation Orders in connection to 20mph and 30mph speed limits within the development.

Projections over Footways

You are advised to ensure that any projection overhanging the footway is securely fixed and no part is less than 2.4 metres above the footway level and no closer than 0.5 metres to the edge of the carriageway.

Doors and Windows Opening over the Highway

You are advised to ensure that any doors and windows on elevations of the building(s) adjacent to the existing and or proposed highway are constructed and installed such that they do not open over the public highway for a height of 2.4 metres from the level of the adjacent highway. Above 2.4 metres no part of an open door or window must come within 0.5 metres of the carriageway. Any future replacement doors and windows should also comply with these dimensions.

Lead Local Flood Authority

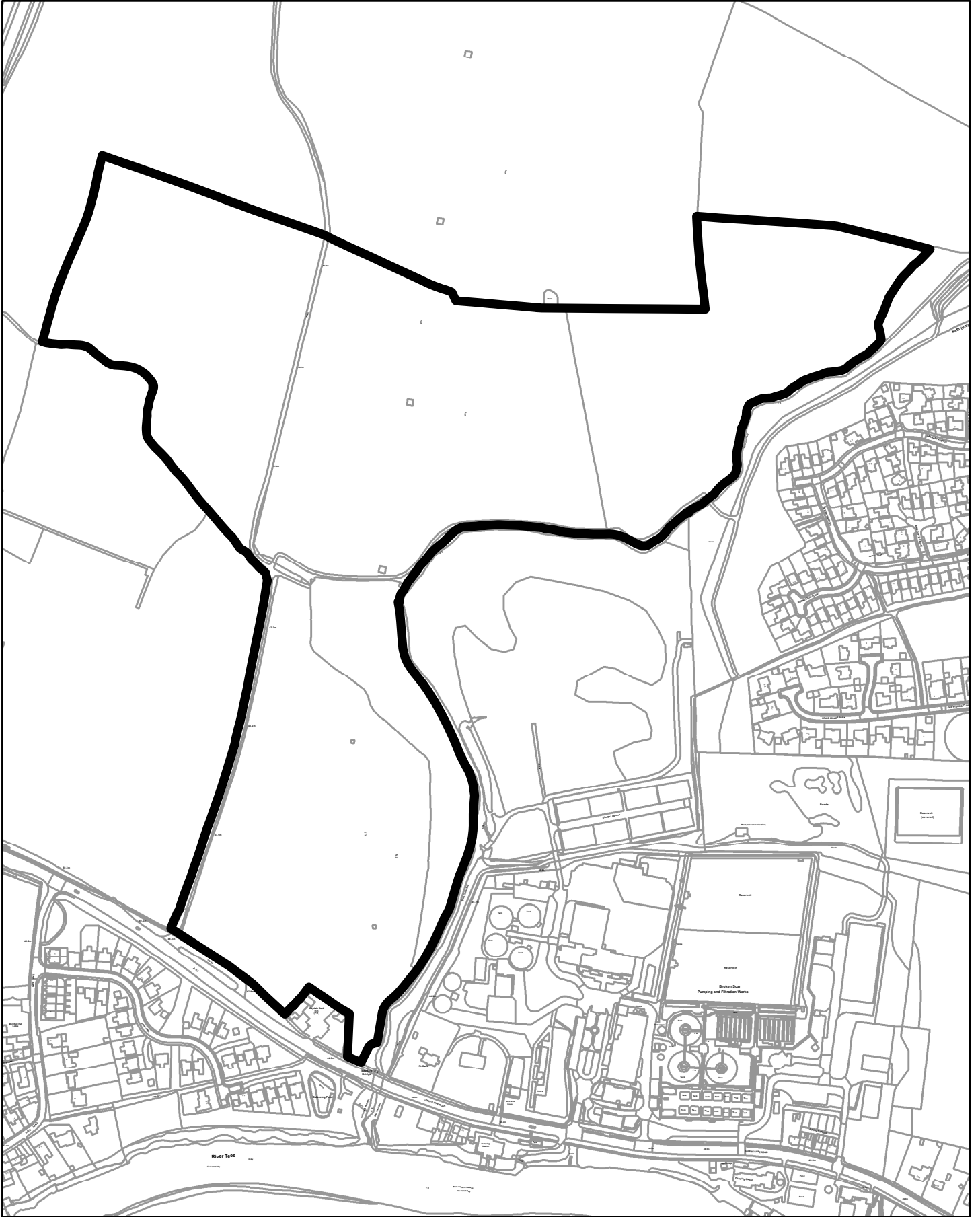
The Informative Comments will be attached to the decision notice.

Environment Agency

The Informative Comments will be attached to the decision notice.

Northumbrian Water

The Informative comments will be attached to the decision notice.

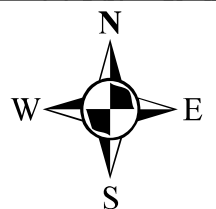


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Planning Ref No: 17/00632/OUTE

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO:	17/00636/OUTE
STATUTORY DECISION DATE:	22 December 2022
WARD/PARISH:	Heighington And Coniscliffe
LOCATION:	Land South Of Staindrop Road
DESCRIPTION:	<p>Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class E), a GP (Class E) land for proposed primary school and early years school (Use Class F1) and sports pitches with associated parking, public open space, landscaping and sustainable drainage system (SUDS), onsite nutrient mitigation scheme and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access For the avoidance of doubt planning permission is hereby sought separately and severably for site infrastructure landscaping and development cells identified on plan reference Indicative Development Framework plan (Drawing Number 7055-SK-01_R) (amended Flood Risk Assessment received 7 September 2017, Minerals Report, Agricultural Land Report and Phasing Plan received 26 September 2017, 2 October 2017, 9 October 2017, Archaeology Report received 23 November 2018; Transport Assessment Addendum and Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019; amended Planning Statement; updated Environmental Statement Addendum; Environmental Statement Non Technical Summary and Ecological reports received 28 January 2022; Shadow Habitat Regulations Assessment; Health Impact Assessment; Retail Sequential Test Assessment received 3 October</p>

2022; amended Planning Statement Addendum, Biodiversity Net Gain Assessment received 2 November 2022; amended Indicative Development Framework Plan received 12 May 2023; amended Nutrient Neutrality Assessment and Mitigation Strategy Report and Shadow Habitats Regulations Assessment received 14 August 2023)

APPLICANT: Gladman Developments

RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO SECTION 106 AGREEMENT AND PLANNING CONDITIONS

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=summary&keyVal=OSVM1RFP0C800>

APPLICATION AND SITE DESCRIPTION

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

Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access.

2. The application site comprises of several agricultural fields which are currently under arable use. Nos 1 and 2 Coniscliffe Grange Cottages are located on Staindrop Road adjacent to the northwest corner of the site and Coniscliffe Grange Farm and a property known as The Cottage are located to the west between the site and the A1 (M). Footpath No 5 in the Parish of Low Coniscliffe is located in the Northwest corner of the site, Footpath No 49 in the Parish of Low Coniscliffe runs along the east boundary and Bridleway No 4 is located to the west of the site.

3. This outline planning application includes the following elements:
 - a) Up to 985 residential dwellings including affordable housing.
 - b) Land for a 56 place nursery, a primary school with school expansion land and associated school playing fields.
 - c) 400sqm for a food convenience store.
 - d) A GP Surgery located by the Local Store and Primary School.
 - e) Proposed Sports Pitches with associated parking.
 - f) Landscape planting and the retention and positive management of key landscape features.
 - g) 19.53 ha of formal and informal open space (over 40% of the gross site outline application area).
 - h) New access arrangements onto Staindrop Road
4. The planning application is an outline submission with all matters reserved apart from access. Matters relating to landscaping, layout, appearance and scale will be considered as part of future Reserved Matters submissions. It is envisaged that the development would be brought forward in five phases with more than one developer involved.

Masterplan and Planning Application Reference number 17/00632/OUTE

5. This planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the south and the planning application ref no: 17/00632/OUTE.
6. The planning application to the south has been submitted by Taylor Wimpey UK Limited and both applicants have worked together, in conjunction with the Council to produce the Masterplan upon which the individual applications are based.
7. Overall, the Masterplan covers an area of 76.78 hectares and will deliver a range of benefits for the local community and meet the housing requirement for Darlington Borough Council. The development as a whole will create up to 1,520 dwellings (approx. 42.54 hectares), along with a range of facilities to meet the needs of the growing community including a local convenience store (approx. 0.2 hectares), a primary school (approx.1.83 hectares), a GP Surgery (approx. 0.37 hectares) and recreational facilities all set within public open space (approx. 29.43 hectares). There would also be equipped play areas, SUDs basins, playing fields and parking provision.
8. The Masterplan shows the indicative arrangement of new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes).

Statement of Community Involvement

9. Gladman Developments and Taylor Wimpey have previously engaged in a process of community engagement (2016/2017) with residents on the wider Masterplan in advance of submitting the planning applications and full details of this have been set out in the Statement of Community Involvement submitted with this application. In 2019, the developers also carried out a presentation to the Members of the Planning Applications Committee. The engagement exercises were carried out in accordance with the Council's Statement of Community Involvement document.

Environmental Impact Assessment

10. The former Department for Communities and Local Government (DCLG) deemed that the application is Environmental Impact Assessment development under Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and issued a screening direction in November 2017. An Environmental Impact Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application, and these were updated where appropriate following the adoption of the Darlington Local Plan in 2022. The ES considers the impact of the development under the following headings, as set out in the screening direction:
 1. Traffic and Transport.
 2. Air Quality
 3. Noise and Vibration
11. Officers are satisfied that the content of the ES meets the scope of the screening direction issued by DCLG. The application was advertised and consulted upon in accordance with the Regulations 2017 and a copy of the Non-Technical Summary was forwarded to the DCLG acting on behalf of the Secretary of State.

MAIN PLANNING ISSUES

12. The main issues to be considered here are whether or not the development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact upon the Mineral Safeguarding Area
 - c) Impact on non-designated Heritage Assets (Archaeology)
 - d) Loss of Agricultural Land
 - e) Nutrient Neutrality
 - f) Design and Layout and Impact on the Character and Appearance of the Area
 - g) Highway Safety
 - h) Residential Amenity
 - i) Flood Risk and Drainage
 - j) Climate Change
 - k) Air Quality
 - l) Noise

- m) Land Contamination
- n) Impact on the Setting of Heritage Assets
- o) Impact on Existing Trees and Landscaping
- p) Impact on Footpaths and Public Rights of Way
- q) Ecology
- r) Affordable Housing
- s) Sport Provision
- t) School Places
- u) Developer Contributions

PLANNING POLICIES

13. As well as the National Planning Policy Framework 2023, the relevant local development plan policies are as follows:

Darlington Local Plan (2016-2036)

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV6: Local Green Spaces

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Diversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN3: Transport Assessments and Travel Plans

IN4: Parking Provision including Electric Vehicle Charging

IN6: Utilities Infrastructure

IN8: Broadband Infrastructure

IN9: Renewable Energy Infrastructure

IN10: Supporting the Delivery of Community and Social Infrastructure

Low Coniscliffe & Merrybent Neighbourhood Plan 2018 – 2036 (Made 2019)

LCM 1: Landscape

LCM 2: Tranquillity

LCM 3: Green Infrastructure
LCM 5: Biodiversity
LCM 6: Wildlife Corridors
LCM 7: Local Green Space
LCM 8: Design
LCM 11: General location of new development (Settlement Boundaries)
LCM 15: Infrastructure
LCM 18: Transport and New Developments
LCM 19: Public Rights of Way

Tees Valley Minerals and Waste DPD

MWC4: Safeguarding of Minerals Resources from Sterilisation

Other relevant documents

Design of New Development SPD
Planning Obligations SPD
Darlington Landscape Character Assessment
Travel Plan Guidance Note

RESULTS OF TECHNICAL CONSULTATION

14. The Council's Highways Engineer, Environmental Health Officer, Transport Policy Officer, Travel Plan Officer, Ecology consultant, Head of Skills and Employability (Education)| Conservation Officer and Public Rights of Way Officer have raised no objections to the principle of the development subject to the imposition of planning conditions and requested financial contributions being secured via a Section 106 Agreement
15. The Durham County Council Archaeology Team have raised no objections to the principle of the development.
16. The Environment Agency, Northumbrian Water and the Lead Local Flood Authority have raised no objections to the principle of the development subject to imposition of planning conditions.
17. National Highways have raised no objections subject to the imposition of planning conditions and requested financial contributions being secured via a Section 106 Agreement
18. Natural England have raised no objections subject to the principle of the development subject to imposition of planning conditions.
19. Historic England, Northern Gas Networks and Sport England have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

20. The planning application has been subject to a number of notification and publicity exercises since it was submitted in 2017. Prior to the adoption of the Darlington Local Plan (2016 – 2036) in February 2022, the planning application had attracted 72 letters of objection and 3 letters of representation. During this time period objections were also received from Darlington Friends of the Earth; Darlington Bird Club; the Campaign for the Protection of Rural Countryside (CPRE); Jenny Chapman MP and Phil Wilson MP on behalf of constituents and the Low Coniscliffe and Merrybent Parish Council.
21. Prior to the adoption of the Local Plan, amended Planning and Environmental Statements were received (January 2022); followed by a Health Impact Assessment and Retail Sequential Test Assessment (October 2022) an amended Planning Statement Addendum, Biodiversity Net Gain Assessment (November 2022) an amended Indicative Development Framework Plan (May 2023) and amended Nutrient Neutrality Assessment and Mitigation Strategy Report and Shadow Habitats Regulations Assessment (August 2023). Further notification exercises were issued by the local planning authority when appropriate and 163 objections have been received. Comments relating to the siting of a proposed onsite Wastewater Treatment Works as a potential nutrient neutrality solution are not listed below as the proposal and solution no longer form part of the proposal. The relevant comments can be summarised as follows:
- *There is no need for a school or retail facilities.*
 - *The land is farmland used by dog walkers.*
 - *The land is a haven for wildlife.*
 - *Open spaces are needed for mental and physical wellbeing.*
 - *More houses are not needed.*
 - *Impact on GPs and Hospital*
 - *Adverse impact on wildlife*
 - *Loss of amenity*
 - *Increase in traffic congestion.*
 - *Loss of agricultural land*
 - *Impact on existing school places*
 - *Impact on dentists*
 - *Impact on condition of existing roads*
 - *Land is well used by cyclists and runners and walkers.*
 - *Increase in pollution.*
 - *Loss of amenity and green space*
 - *Impact on views from existing dwellings*
 - *Drains and sewers will not cope with increase in foul and wastewater.*
 - *Increase in traffic along Staindrop Road and into Cockerton*
 - *Playing pitches will not meet all leisure needs.*
 - *There will be many years of disruption.*
 - *Impact on an area of natural beauty*

- *Brownfield sites should be built upon*
- *Retail unit will impact on existing businesses.*
- *Infrastructure is inadequate.*
- *Another school means more traffic.*
- *Increase in flood risk around Staindrop Road bridge.*
- *Increase in traffic at Elm Ridge roundabout, Woodland Road and West Auckland Road*
- *Who will build the school?*
- *Noise pollution, traffic congestion and amenity concerns during construction phases*
- *Loss of recreational space*
- *Adverse impact on habitats*
- *There are plenty of houses being built elsewhere.*
- *Very limited employment and entertainment facilities resulting in more cars.*
- *Inadequate bus service*
- *Broadband connectivity is poor in this area.*
- *Loss of Green Belt*
- *There is no need for such a large development.*
- *Increase in CO2 emissions.*
- *There will be no countryside left.*
- *This is urban sprawl.*
- *Increase in flooding of Baydale Beck*
- *Darlington's future housing needs have already been met.*
- *Only a small percentage of the houses will be affordable housing.*
- *Increase in light pollution.*
- *Strain on existing schools*
- *Impact on Public Rights of Way*
- *Contamination risk to Baydale Beck*
- *Damage to flora and fauna*
- *No jobs to attract these people.*
- *Contrary to Low Coniscliffe and Merrybent Parish Council*
- *Proposed access arrangements are dangerous.*
- *Insufficient shops being proposed.*
- *Impact on air quality*
- *Footfall onto Tees Grange Avenue will increase.*
- *Inadequate Travel Plans*
- *Impact on the character of the area*
- *Unsustainable location*
- *New primary school is not required but a secondary school is.*
- *Irreparable damage will be caused.*
- *Community wood will be damaged.*
- *Agricultural land should be avoided for economic and environmental reasons.*
- *Adverse on character and appearance of the Public Rights of Way, footpaths and bridleways*

- *Proper footpath and cycle path connections to existing provisions outside the site are essential.*
- *Footpaths need to be improved for safety reasons.*
- *Appropriate speed limits must be imposed.*
- *The Low Coniscliffe and Merrybent Neighbourhood Plan should not be set aside.*
- *Shops on Mowden estate will be swamped causing many problems.*
- *Drainage proposals will result in the flooding of Baydale Beck*
- *Who will build and run GP Practice?*
- *Executive housing not required.*
- *Public health will suffer.*
- *Impact on Protected Species*
- *Increase in energy usage and greenhouse gas emissions.*
- *Building close to a motorway is not a safe environment for children.*
- *No public charging facilities*
- *Public transport is inadequate.*
- *Merrybent and Low Coniscliffe will become an adjunct to the sprawl of Darlington.*
- *Darlington's population is declining.*
- *Current economic climate suggests this proposal is foolish.*
- *The link road will be a rat run of rush hour traffic.*
- *Damaging to the landscape setting in a rural environment*
- *Adverse impact on house prices*
- *The site is outside of development limits and contrary to Local Plan*
- *Flora and fauna lost.*
- *Noise and dust emissions*
- *No social housing*
- *Relying on Building Regulations to combat climate change is inadequate.*
- *Widening roundabouts is not going to solve traffic congestion.*
- *This will lead to land contamination.*
- *The removal of the Wastewater Treatment Works will lead to pollution in our water systems.*
- *The access arrangements will cause an accident blackspot.*
- *This is an overdevelopment impacting on residents.*
- *The proposed junction on Staindrop Road at the northeast corner of the site will be used as a short cut avoiding the spine road and this will be dangerous for cyclists and pedestrians.*
- *The occupancy rates and water usage figures used by the developer do not match those used by Northumbrian Water*
- *The extra junction on Staindrop Road will increase traffic problems.*
- *NWL should resolve treatment at Stressholme Water Works first before permission is granted.*
- *Clear rainwater drainage needs to be separate from foul water with the former directed to Baydale Beck*
- *Electricity infrastructure is not there for extra houses.*
- *Developers are struggling to sell houses.*

- *The development is contrary to local plan as it would not protect or enhance the countryside and will impact on green wedges in Mowden.*
- *The developer should not be able to rely on a Wastewater Treatment Plant to mitigate for nutrients as no plant exists.*
- *National Governments Levelling Up & Regeneration Bill has not yet received Royal Assent. Even with up grading and new investment in local sewerage/drainage systems by 2030 (hypothetically) Darlington and this region would still be catching up on lack of private investment for decades.*
- *There will be no neutrality or betterment in the region if more large-scale housing developments such as this flawed but potentially harmful long-winded outline plan are irreversibly permitted.*
- *The LURB improvement works to Stressholme Sewage Works need to be completed and proven to meet the standards required for Nitrogen discharge limits.*
- *The proposed development is simply too large for our area.*
- *Average wage in Darlington does not match cost of these houses.*
- *Highway remodelling is still not fit for purpose.*
- *Why has Darlington Borough council elected to use an occupancy rate which is patently incorrect and bears no relation to actuality?*
- *The nutrient impact of this application and 17/00632/OUTE should be considered together not in a piecemeal fashion.*
- *This area will become overpopulated.*
- *The Environment Agency's comments on the capacity of the Stressholme Water Treatment Works cover a very serious matter of water pollution into waterways.*
- *The Council's Appropriate Assessment does not properly address the methodology and robustness for the data around occupancy rates or water consumption.*
- *The road network will definitely not cope with the overall suggested number of houses.*
- *Affordable Housing provision should be 30% as it is an urban expansion.*
- *Staindrop Road floods from time to time at least once a year and needs to be shut due to flooding from Baydale Beck which makes the footpath impassable, any extra SW run off from hardstanding of a new development will affect these conditions on top of the global warming effects.*
- *The HRA- nutrient neutrality assessment for the proposed 985 dwellings is using the correct average occupancy average rate per dwelling for Darlington and the average water usage figures per person per day.*
- *There will be significant loss of riparian habitat, farmland and hedgerows which is habitat for a number of bird species including Skylarks, Grey Partridges, Yellow Hammers, Starlings & Curlews all of which are on the BoCC Red List*
- *The amended documentation provides little evidence of sufficient improvement, and the nutrient calculations and mitigation strategies remain hypothetical and challengeable.*

22. The CPRE have objected to the planning application on following grounds.

- *Lack of sustainable transport*
- *No cycle provision.*
- *No community facilities be built.*
- *Where will affordable housing be built?*
- *Low carbon enquiry requirements*
- *What will ecology enhancements involve and where?*

23. Low Coniscliffe and Merrybent Parish Council have submitted objections to the planning application at all stages since the application was submitted. The most recent comments following the adoption of the Neighbourhood Plan and the Local Plan are summarised as follows:

- *Low Coniscliffe and Merrybent Parish Council accept that with the adoption of the Local Plan in February this year, this site is allocated for housing development. With this in mind, it is considered imperative that the opportunities strategic housing sites should bring are fully exploited by Darlington Borough Council, to deliver community benefits not only to the future residents of the development but also existing residents who will experience the impacts.*
- *Property design must be given full consideration by Planners and Developers, to offset climate change impacts and set a standard to progress to low carbon energy.*
- *Particular regard should be given to the development's close proximity to the Broken Scar Water Treatment Works, together with the two strategic water mains that cross the site.*
- *It is imperative that the opportunities are fully exploited to deliver the community benefits that may bring such a public transport; school provision, public footpaths, cycling and walking routes, connectivity of open spaces; appropriate location of services and facilities, landscaping and screening and visual impact of the development.*
- *This proposed development is not in a sustainable location and should not progress until a strategic road network is in place.*
- *The proposed development is not in a sustainable location and, therefore, this Outline Application should not go forward until all major infrastructure requirements meet the criteria of a sustainable set of building principles.*
- *It is considered imperative that existing important trees and other landscape features are retained and enhanced by the planting of additional nursery grown 'standards' native species.*
- *Planning permission for this Planning Application should be refused until such time as the LURB improvement works to the Stressholme Sewage Works are completed and proven to meet the standards.*
- *We are concerned that the housing occupancy rate has been maintained at 1.1 persons per dwelling, within the latest Nutrient Assessment*
- *We disagree with the water consumption rate of 120 l/p/d used for the Nutrient Neutrality Calculation*

- *We are concerned in respect of the latest Nutrient Assessment, in particular the Nutrient Neutrality Calculation itself being simply incorrect.*
- *This prime and productive agricultural land is now needed more than ever.*
- *We are concerned that this planning application is now 6 years old and many of the documents in support of the application are now outdated and should not be relied upon*
- *To apply for 985 dwellings but only be able to provide for 481 dwellings as things currently stand and then to offer a shopping list of possible mitigation measures, (including the purchase of Credits to fallow further agricultural land) for the remaining 504 dwellings seems quite simply wrong.*
- *The loss of prime and productive agricultural land*
- *Increased traffic resulting in increased congestion, most particularly Coniscliffe Road, Woodlands Road, Carmel Road and Cockerton*
- *Damage to the environment, landscape character and wildlife habitats*
- *Sustainability issues, including but not limited to there being insufficient capacity at Darlington Memorial Hospital and insufficient capacity at Stressholme Waste Treatment Works to meet the demands of the proposed development.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

24. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15)
25. The Local Plan (2016-2036) was adopted in February 2022. Another material consideration in the determination of this application is the Low Coniscliffe & Merrybent Neighbourhood Plan (2019) as whilst the site is adjacent to the urban area it is located within the Neighbourhood Area Boundary.
26. Neighbourhood Plans are required by footnote 18 of the NPPF (2023) to be in general conformity with strategic policies contained within Local Plans that cover their area. Paragraph 30 of the NPPF (2023) also states that “once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”.
27. This is further supplemented by the NPPG (41-084-20190509) which states “policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence”.

28. In light of this and as the Darlington Local Plan (2016-2036) was more recently adopted where any conflict exists between the neighbourhood plan's strategic and non-strategic policies in the Darlington Local Plan (2016-2036) the Local Plan policies should take precedence.
 29. Policy H1 of the Local Plan establishes a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. It also includes a neighbourhood area housing requirement of 962 homes over the plan period for Low Coniscliffe and Merrybent. This requirement includes the anticipated yield of this allocated site over the plan period; therefore, this proposal would contribute towards the achievement of this requirement.
 30. Policy H2 of the Local Plan allocates this site (249 – Coniscliffe Park South) for housing development and to contribute towards meeting the Borough's quantitative and qualitative need for housing over the plan period. It outlines a yield for indicative purposes only of 985 homes for the site (516 of which are anticipated during the plan period). The proposed development would also significantly contribute towards the Council's Five Year Supply of deliverable housing sites.
 31. Policy H3 seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies.
 32. Policies LCM11 & LCM12 of the LC & M Neighbourhood Plan (2019) establish the general location of new development including that development should be located within established development limits or for the identified housing allocations. This site is not within the development limits or housing allocations identified in these policies.
 33. This proposal is therefore in principle compliant with the locational requirements established in Policies H2 and H3 of the Local Plan (2016 - 2036) as it is a site allocation, is located within development limits and is being brought forward for up to the number of dwellings identified within the indicative yield. Whilst the proposal would appear to be in conflict with Policies LCM11 & 12 of the LC & M Neighbourhood Plan (2019) as explained above where the neighbourhood plan policies conflict with the Local Plan policies, which they do here, the Local Plan policies take precedence as the most recently adopted policy document and therefore the proposal does not need to be considered against these neighbourhood plan policies which are out of date.
- Retail Sequential Assessment*
34. As the proposed retail unit has a retail floorspace of 400m², it does not trigger the local plan threshold for a retail impact assessment (500m²). However, Policy TC4 of the Local Plan states that where main town centre uses are proposed outside of the district / local centre boundaries, a sequential test should be undertaken in accordance with national policy. An assessment has been submitted in support of

the planning application, which considered potential development opportunities within and on the edge of both Cockerton District and Centre and Mowden Local Centre.

35. The proposed retail unit aims to meet the day-to-day convenience shopping needs of future residents of the proposed Coniscliffe Park development. In practical terms, therefore, only sites within the proposed urban extension area could meet the need that the proposed development is intended to meet. The Assessment concludes that there are no development opportunities with potential to accommodate the proposed convenience store within or on the edge of either centre. Indeed, the only potential development opportunities identified in each centre were existing car parks. The Assessment continues to state that in this context, there are no preferable alternative sites which could accommodate the proposed development and subject application is therefore considered to be compliant with the sequential approach to site selection set out in the NPPF. Officers would concur with the findings that there are no sequentially preferable locations for this to be sited at either Cockerton or Mowden and its primary purpose will be to serve the additional residents generated by the development. It therefore satisfies the requirements of Policy TC4 of the Local Plan

b) Impact upon the Mineral Safeguarding Area

36. Policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011) sets out the circumstances when non-mineral development will be permitted in non-minerals safeguarding areas. This site is located in a limestone (shallow) safeguarding area along with much of the rest of the northern and western part of the Borough outside the urban area.
37. A Mineral Resource Assessment submitted in support of the planning application states that any extraction of mineral within the site would likely result in noise, dust, visual and transport impacts. It is unlikely that planning consent would be obtained for a quarry within the application site, regardless of the proposed non-mineral development due to the closeness of the site to residential areas.
38. This proposal is considered to comply with part c of the policy, which states that non-minerals development in mineral safeguarding areas will be permitted where the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource. This is because the site is an allocation for housing in the Local Plan and forming part of the Council's housing land supply and therefore required to contribute towards the achievement of the Council's housing requirement. In addition, the quarrying and winning of limestone prior to development is not possible as this will make the site unsuitable for development for housing which it is allocated for and there is a significant safeguarded area for limestone remaining in the Borough.

c) Impact on non-designated Heritage Assets (Archaeology)

39. An Archaeological Statement has been submitted which includes the results of a desk based assessment and geophysical survey of the site. The desk-based assessment concluded that there was low potential for settlement or other significant archaeological remains of prehistoric or Roman date at the site. The site lies outside the medieval and post-medieval settlement of Low Coniscliffe, and it was therefore concluded that there was low to nil potential for significant archaeological remains from these periods.
40. The geophysical survey of the overall proposed development identified no anomalies of clear archaeological potential. Several 'undetermined' anomalies were identified that may relate to archaeological assets with a number of these located within the north-eastern part of the site. Numerous linear anomalies were identified across the site which represent phases of agricultural activity of modern and historic origin, along with former field boundaries that correlate with historic mapping evidence.
41. Subsequent trial trenching evaluation was undertaken in August-September 2018 and comprised sixty-nine 50m long trenches sited to investigate geophysical anomalies and areas where no anomalies were detected in order to identify the archaeological potential of the site. It was the aim of this scheme of work to identify and record any archaeological remains which may have been present in order to mitigate potential impacts to the heritage resource.
42. No features or deposits of archaeological significance were observed during the evaluation. All geophysical anomalies related to either variations in geology sub-strata, numerous field drains crossing the site or dumped deposits.
43. The Archaeology section at Durham County Council has confirmed that the archiving and reporting aspects of the scheme have all been completed and there is no need for any condition for archaeological works to be placed on any permission, if granted for this application. The development complies with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

d) Loss of Agricultural Land

44. The National Planning Policy Framework 2023 states that planning decisions should recognise the character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (Grades 1, 2 and 3a land in the Agricultural Classification ALC System). The MAFF Agricultural Land Classification map indicates that the classification is Grade 3 (Good to Moderate) across the application site.

45. A report on the soils and agricultural quality of the site submitted in support of the planning applications confirms that the land comprises a number of arable fields. Soils were found to be mainly fine loamy with slowly permeable subsoil. The land is predominantly of subgrade 3b agricultural quality due to wetness constraints, with approximately a third of subgrade 3a quality. Were the site to be developed, the coarse loamy topsoils in the west represent a high quality resource for reuse in landscaping and gardens and should be used preferentially.
46. It is acknowledged that the development proposals will result in the loss of agricultural land but there is a significant amount of higher grade agricultural land to the west and also along the River Tees. The loss of agricultural land would not be significant in the context of the land available for agricultural purposes throughout the rest of the Borough. The site is also a housing allocation in the Local Plan and is therefore needed to meet the identified market and affordable housing needs of the Borough over the plan period.
47. The National Planning Policy Framework 2023 states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
48. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised. Natural England has recommended that planning conditions are imposed to ensure that the development is implemented with regard to soil resource information contained within the Defra Guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
49. It is considered that the proposal will accord with the National Planning Policy Framework 2023 in this regard.

e) Nutrient Neutrality

50. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England in March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.

51. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
52. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.
53. Following comments received regarding the occupancy rate that has been adopted by Darlington Borough Council, Natural England's guidance recommended that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). On behalf of the local planning authorities in the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the River Tees catchment to ensure that a suitable robust and evidence based approach could be taken.
54. Based on local evidence, Opinion Research Service (ORS) concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021, and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.
55. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each Authority and therefore an individual figure has been adopted by each of the various Tees Catchment Authorities.

56. In determining the figure to be used to assess population growth arising from new dwellings within the Borough of Darlington, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
57. The research shows that for the Borough if the baseline period of 2011-2021 is used it would show an increase of 0.64, whilst the highest 5 year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, the highest 5 year average is not a resilient figure, and a more appropriate approach is to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates a gain of 0.98 persons per dwelling. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied. It is considered that such an approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.
58. The 2.4 occupancy rate has been used for nutrient neutrality purposes on other planning applications where there is a material planning consideration and Natural England have not challenged its usage in any of their consultation responses.
59. The Screening Assessment requires the Local Planning Authority as the competent authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives. The planning application has been supported by a Nutrient Neutrality Assessment and Mitigation Strategy (August 2023) and Information to inform Habitats Regulations Assessment document (August 2023). This information is considered sufficient to enable the Local Planning Authority as the competent authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.

60. The submitted Nutrient Neutrality Assessment and Mitigation Strategy (August 2023) demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. An appropriate assessment has therefore been undertaken by the Council, as the competent Authority.
61. Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget has been used for the proposal. The assumptions and inputs within the calculator are considered by the Competent Authority to be satisfactory and are an accurate reflection of the site and its location. The proposal for up to 985 dwellings would increase the total annual nitrogen load arising by 787.25kg per year. If a 40% reduction factor for SuDs is included this reduces to 628.93kg per year. As a nitrogen surplus would still arise, the applicant has accepted that further mitigation would be necessary in order to avoid likely significant effects.
62. An additional nutrient budget calculator to demonstrate that through reversion of land on site from cereal land to the proposed land uses that 481 dwellings could be constructed on site until a nitrogen surplus is arrived at. This is considered an accurate reflection of the calculation and agreed by the Competent Authority.
63. A further nutrient budget calculator is provided, and this demonstrates through the land use change and the use of SUDs, 582 dwellings could be constructed. SUDs will be required as part of the development and the specification of these have been conditioned to ensure they achieve the 40% reduction included in the nutrient calculation. However, the calculation is based on the provision of the SUDs for the total developed site area, given that the inclusion of the SUDs allowance would only take development that is nutrient neutral to 581 dwellings the total site will not have been developed by this point and the whole site will not be feeding in to the SUDs meaning this form of mitigation would not be fully in place and the application of the 40% reduction cannot be factored in as this calculation assumes as parts of the site will have surface water run off at higher rates than this calculates. Therefore, the Land Use Change and SUDs option proposed to enable 581 dwellings to be constructed is likely to result in further pollution of the protected site and cannot be supported.
64. In terms of mitigating the nitrogen surplus of 787.25kg per year it has been demonstrated that if a 40% reduction factor for SuDs is included it would reduce the nitrogen surplus to 628.93kg per year. This reduction factor is based on the retention basins shown in the illustrative masterplan being designed in such a way as to maximise the reduction in TN concentrations within the surface water. The applicants state this can be done through over excavation to provide a filtration layer above an under drain, and with appropriate planting. To maximise denitrification, the bioretention area should be designed to have a permanently wet zone below the outlet of the basin.

65. The 40% reduction factor included is based on advice and comments provided by Natural England, so it is considered acceptable to be included in relation to the application as a whole. An appropriate condition will therefore be required to ensure, that where the SuDs is being used as part of the nutrient mitigation scheme for the proposal, that the precise details of the SuDs measures to achieve these reductions in nitrogen levels are submitted and approved and implemented prior to occupation of any dwelling. For the remaining 628.93kg per year the applicant has demonstrated three potential mitigation options available to them, these are:
- a) Successfully purchase an additional 628.93 nutrient mitigation credits equivalent to the outstanding nutrient balance of 628.93kgs per year
 - b) Provide land within Landowners ownership to mitigate the outstanding nutrient balance of 628.93kgs per year.
 - c) Upgrading of Stressholme WWTW to Technical Achievable Limit of 10 mg/l for Total Nitrogen
66. It is considered that strategy a) and b) demonstrate there is a sufficiently reasonable likelihood that the further mitigation required can be secured by the applicant prior to the point at which the 482nd dwelling is ready to be occupied and the further mitigation needs to be in place. These forms of mitigation are in keeping with Natural England guidance.
67. Ordinarily on this basis a restrictive condition would be required on any permission ensuring that the 482nd dwelling shall not be occupied until a mitigation package addressing the additional nitrogen load arising from the development has been submitted to and approved in writing by the Local Planning Authority and that all measures forming part of the mitigation package have been implemented as approved to the Competent Authority and Natural England's satisfaction in relation to the Conservation of Habitats and Species Regulations (2017).
68. However, as this is an outline application for a large scale development that is expected to be built out by different developers in separate phases this approach is problematic. An alternative condition is recommended which would require the precise nutrient mitigation scheme for each phase of the development permitted to be submitted and approved by the Competent Authority in consultation with Natural England prior to the commencement of each phase and then for that approved nutrient mitigation scheme to be implemented prior to the first occupation of any dwelling in each phase.
69. The Council, as Competent Authority, is satisfied with this condition in these specific circumstances taking in to account the evidence provided by the applicant regarding the amount of development that can be mitigated through land use reversion on site as well as the proposed mitigation strategies that could be achieved. There is sufficient certainty that the required mitigation can be secured by the necessary time. It will also still ensure that the necessary mitigation is in place before any

dwellings are occupied and ensure the proposal will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.

70. The planning condition also includes where the nutrient mitigation scheme relies upon the cessation of agricultural production within the site redline boundary that prior to the occupation of the first dwelling the applicant must provide evidence to the Local Planning Authority that agricultural production has ceased and a management plan has been provided setting out how the applicant will ensure it remains ceased.
71. A further condition has also been included where the nutrient mitigation scheme relies upon greenspace within the site redline boundary to ensure that prior to the occupation of the first dwelling a management plan, including the long-term design objectives, management responsibilities and maintenance schedules for all areas of greenspace shall be submitted to and approved in writing by the Local Planning Authority. The condition will also need to ensure that the management plan specifies appropriate measures in relation to the use of fertilisers and dealing with dog waste.
72. The Appropriate Assessment has found that through the use of appropriate conditions there is a sufficient likelihood that mitigation measures measure can be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.
73. However, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England has been consulted on this Screening and Appropriate Assessment. Natural England have not challenged the occupancy rate that has been adopted by the Council and used as part of the Appropriate Assessment considerations. They have concluded that based on the planning documents and nutrient credit certificate submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and they have no objection.
74. Therefore, based on the conclusions of the Appropriate Assessment and the consultation response from Natural England, officers can conclude that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to appropriate planning conditions as set out above.
75. Following the completion of the Habitats Regulations Screening and Appropriate Assessment on this proposal the Levelling Up and Regeneration Act received royal assent on the 26 October 2023, making it an act of parliament. Section 168 of the Act includes provisions which amend the Water Industry Act (1991) to require sewerage undertakers to upgrade certain waste water treatment plants to ensure that by the 1 April 2030 the concentration of total nitrogen in treated effluent that the plant discharges is not more than 10 mg/l.

76. Whilst this has been enacted the provisions in the act also state a further two months may be taken before confirmation is given on which waste water treatment works will be included in the upgrade requirement. This has yet to be published so Natural England have advised that until this happens, they would not recommend that mitigation is calculated assuming which works will be included. The completed Appropriate Assessment does not require updating.

f) Design and Layout and Impact on the Character and Appearance of the Area

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

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

78. The wider site is situated on gently sloping and undulating land which falls to the south towards the River Tees and to the east towards the Baydale Beck. The site comprises of several agricultural fields, the vast majority of which are currently under arable use. A rather degraded structure occurs where intensive agricultural use has resulted in narrow field margins. Consequently, much the site is lacking in any significant vegetation cover or other internal features of value. Along the field boundaries variable vegetation cover occurs depending on the presence of hedgerows. The majority of hedgerows are low clipped and with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However, the site itself is not considered to be of high quality nor in good condition.
79. This planning application is based on a Masterplan for redeveloping a wider site and the planning application has been supported by a Design and Access Statement and a Landscape and Visual Impact Assessment which outlines the evolution of the Masterplan and considers the impact of redeveloping the whole site and the design principles that would then be incorporated into future Reserved Matters submissions.

80. The planning application is to redevelop the site for residential purposes comprising up to 985 dwellings. The Design and Access Statement states that the development will provide for a mix of dwellings and house types, ranging from 2-5 bedroom units. This planning application site also includes land for the erection of a new school, a local store, sports pitches with associated parking, public open space, landscaping and sustainable drainage system. The school, local centre and playing fields have been located close to the centre of the wider site in order to be easily accessible and beneficial to the future occupants of both this site and the development to the south (17/00632/OUTE).
81. Policy DC3 of the Local Plan recognises the need to support the provision of new or improved health facilities in sustainable locations. The policy states that strategic sites such as Coniscliffe Park include a requirement for land of appropriate configuration to accommodate community and primary care infrastructure to be reserved in a Masterplan. These requirements will facilitate the delivery of additional health care provision, in accessible locations within housing growth areas.
82. In terms of the GP Practice, the land would be reserved for a period of time, potentially for ten years after the commencement of the development, and the method of transferring the land uncontaminated and in a serviced condition to the Council or a body nominated by the Council should interest be received will form part of a Section 106 Agreement
83. Similarly, in terms of the retail unit, the land will be set aside of a local store for a period of time, for example until the first occupation of the last dwelling. The method of transferring the land to an interested party within this timeframe will form part of a Section 106 Agreement.
84. To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition, recreational footpath connections are provided through the green infrastructure with direct connections onto Coniscliffe Road, Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. Additional crossing points proposed over the Baydale Beck along with the new internal footpath network on site will improve connectivity to the wider footpath network to the west of the site. There are two possible locations over the Beck from this site, but any connections will be the subject of future feasibility studies and submissions, and the developer would make financial contributions for them.

85. The layout of streets would provide a safe and well overlooked public realm and the streets would be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.
86. An indicative phasing plan has been submitted in support of the planning application, but a planning condition has been imposed to secure the precise and final details of how the development will be brought forward.
87. To comply with Local Plan policy, planning conditions have been recommended to ensure that 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard (policy (H4)); to secure the submission of details of materials of the dwellings (policy DC1); to secure the location of play areas and greenspace (Policy ENV4); to secure suitable broadband connectivity (policy IN8)
88. A Landscape and Visual Impact Assessment submitted in support of the application and concludes that the site has the potential to accommodate a well-planned residential development without causing significant harm to the wider settlement or local landscape context. The scale and size of the development would be in keeping with the existing residential character at the edge of Darlington.
89. The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south), the A1 (M), Staindrop Road to the north and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected, and a high quality residential development could be created which minimises detrimental environmental effects.
90. Officers accept the findings of the Assessment and whilst such matters will be considered be one detail with the submission of Reserved Matters application, the layout of the Masterplan shows that the site can be satisfactorily redeveloped for residential purposes along with the associated uses. A planning condition would be imposed to ensure the Reserved Matters submissions are carried out in accordance with the Masterplan and the design statements contained within the appendix of the Local Plan.
91. The development would be compliant with policies DC1, DC3, H4, ENV3, ENV4, ENV5, ENV6 of the Local Plan and LCM1, LCM3, LCM4, LCM7 and LCM8 of the Neighbourhood Plan in this regard.

g) Highway Safety

Access

92. It is proposed to take access to the development from two locations on Staindrop Road (B6279), principally via a new roundabout and an additional second priority junction access located east of the roundabout. The roundabout will connect with a central distributor road running north - south through the development and through to the proposed development located to the South (Coniscliffe park South – 17/00632/OUTE). Ultimately a link north from Staindrop Road onto Newton Lane is envisaged as part of the local plan Infrastructure Delivery Plan (IDP) as part of the long-term highway network management plan required to ensure the safe and expeditious movement of traffic. The new roundabout must therefore be sized accordingly to accommodate a future fourth arm to the north to provide access to the Hall Farm site (Site 100 - Hall Farm, Branksome) and provide sufficient capacity for the predicted traffic volumes that have been run as part of the Local Plan modelling works. Generally, a 40m ICD roundabout would be sufficient although this will need to be confirmed via appropriate capacity and geometry checks as part of detailed design and technical approval process post planning.
93. The principle of the two northern access points is accepted and the drawings submitted are appropriate for outline planning approval in so far as they demonstrate that it is feasible to deliver a safe and suitable means of access. However, further design work is needed to develop the scheme in accordance with DMRB standards as part of Section 278/38 technical approval, and as such detailed design work for access and offsite highway works will be secured by a suitably worded condition. A financial contribution is also required towards the amended speed limits to be implemented on each approach to the site access points, with the amount to be agreed as part of a Section 106 Agreement.
94. The access junction arrangements must be constructed prior to any other development work and a bus loop and associated infrastructure must be provided off Staindrop Road as part of the first phase of the residential development. This would need to be completed prior to occupation of the first dwelling or and other building in order for this to be considered a sustainable development as without such provision the site does not meet sustainability criteria whereby 80% or more of the site must be within 400m walking distance of a bus stop. Additional infrastructure will need to be delivered at the appropriate time as build out phases progress to ensure all dwellings are within 400m walking distance of a bus stop.
95. The proposed link road will form an arterial link between Staindrop Road and Coniscliffe Road and will need to be of suitable design to enable busses and other large vehicles to pass through, a minimum carriageway width of 6.7m is required to provide sufficient link capacity and accommodate all expected vehicle movements including busses. A 4.0m wide shared footway/cycleway would need to be provided each side of the north south link as advised by the latest DfT guidance for cycleway infrastructure, namely (LtN 1/20).

96. Bus stops would need to be in the form of half width laybys and located at suitable intervals and locations. Careful consideration will need to be given to the type of dwelling and access arrangement along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network expected to be limited to 20mph with suitable speed reducing features included to ensure that the 20mph limit is self-enforcing.
97. Additional offsite infrastructure is required to ensure that safe pedestrian and cycleway links are provided along Staindrop Road and link into the site access points. This links would be delivered as part of the works to be approved under a Section 278/38 agreement and be completed prior to first occupation of the site in the interest of highway safety. A 4.0m wide footway/cycleway route would need to be provided on the southern side of Staindrop Road and link from the roundabout to the priority junction with suitable crossing points, signage, and tactile paving. The route would then extend eastwards to tie into existing infrastructure, as currently the shared use footway cycleway terminates just east of Baydale Beck. The existing footway west of Baydale Beck, would need to be upgraded to a minimum of a 4.0m shared route, with a sealed surface and street lighting provision. The route will be required to meet all standard requirements for adoptable highways, including cycleway signage, tactile paving and dropped crossings are required. The upgraded route is also likely to require additional highway drainage to accommodate the increase in impermeable area, as well as kerbing works to ensure a consistent 100mm kerb face to prevent vehicle trespass.
98. Future reserved matter applications and phasing plans will need to detail access junctions needed to form access developments cells. Junction spacings will need to accord with the minimum standards set out in Appendix 5.5 of the Tees Valley Design Guide (TVDG). Where roads only serve residential dwellings and do not form a strategic link or bus route within the site, they may be reduced to a minimum carriageway width of 5.5m. A 4.0m wide shared footway/cycleway will need to be provided on each side of the north south link as advised by the latest DfT guidance for cycleway infrastructure, namely (LtN 1/20).

Traffic Generation and Impact

99. A Transport Assessment has been provided to assess the cumulative impact of both this application and the development located to the south submitted by Taylor Wimpey (17/00632/OUTE), with further traffic modelling work and analysis being undertaken for the Western side of the town.
100. The Transport Assessment presents expected vehicular trip rates based on TRICS analysis. The TRICS rates used are of the correct order of magnitude for the size and location of development, demonstrating that around 1000 two-way trips in total from both developments are generated in the and AM and PM peak periods for the housing element distributed around the wider highway network. Given the scale of the development an area wide microsimulation model was requested to assess the impact of the two developments.

101. A Transport Addendum has been produced to summarise the further modelling work carried out to date as part of the background information for the planning application: A validated Aimsun model was developed to cover the north-western quadrant of the Town, with its extents stretching from the A1(M) to the west, the inner ring road to the east and Blands Corner to the south. The Aimsun model covers the Am peak (07:45-08:45) and Pm peak (17:00-1800) periods and this has been validated by traffic surveys (manual classified counts), ATC counts, journey time surveys and queue observations. Timings for the traffic signal junctions were provided by DBC to incorporate in the model as well as bus service data.
102. National Guidance (DMRB) dictates that traffic models should be satisfactorily calibrated and validated and that modelled journey times should be within 15% (or 1 minute if higher) as compared to the observed journey times for 85% of the routes or higher. It has been demonstrated that the base 2016 Aimsun model meets the DMRB criteria. Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Temprow growth (base year traffic growth with Temprow over the network plus committed development including west park and Faverdale business park).
103. The results of the modelling show that mitigation schemes at the A68 corridor though Cockerton and at Blands Corner on the A66 are required on the strategic road network to equal or better the journey times when reviewed against the base scenario in 2032. The modelling work has been independently verified by a consultant employed by the Council to not only review this application, but to review the wider local plan scenarios and has also been agreed in collaboration with National Highways (formerly Highways England) with reference to impact and mitigation works required on their highway network.
104. A financial contribution will be required in line with the Infrastructure Delivery Plan within the new DBC Local Plan Framework. The development will therefore be subject to a Section 106 Agreement, which will include a financial contribution towards these off-site works which will be paid on trigger points based on development build out and will be agreed as part of the mitigation works. The link road from Staindrop Road to Coniscliffe Road will be required to be built out based on trigger points agreed with both the Council and National Highways, as part of the traffic modelling works and this has been determined as on the occupation of the 300th dwelling on either site. Triggers for the delivery of other offsite works are to be agreed in conjunction with National Highways and secured via a Section 106 contribution (A68 corridor and A66) and planning condition (Blands Corner)

Internal Highway Layout

105. The internal layouts of each development cell will be the subject of future reserved matters application(s), at the appropriate time. Layouts will be required to accord with the requirements of the Tees Valley Design Guide for residential and industrial estate development, which is intended to be used by architects, engineers, planners, and developers involved in the preparation of schemes for new development and gives detailed guidance of highway design and parking standards.
106. The guide indicates the minimum standards which a Highway Authority needs to ensure that new highways can be considered for adoption under Section 38 of the Highways Act 1980. However, these standards are not intended to prevent any requirement for a higher standard that may be deemed necessary by a Planning or Local Highway Authority. Adherence to the standards set out in the document will ensure that the Highway Authority is willing to adopt the new highways on completion. Swept path analysis would need to be carried out to demonstrate that the internal network will operate satisfactorily for the expected vehicles entering the housing estate including emergency services and refuse vehicles which are now 11.2m long and for all vehicles on the new strategic links including buses and large goods vehicles.
107. The main link road will need to be designed to offer sufficient capacity in line with the predicted demands of future growth and Local Plan development. In view of both capacity requirements and the cycleway provision on each side of the link road, dwellings should not feature direct vehicle access to maintain priority and continuity of the footway/cycleway provision.
108. A detailed phasing plan is required for each phase of development, to ensure that the wider development is built out in a logical way, which ensures that each section of highway meets adoptable standard with turning facilities at the end of partially completed link roads, along with footways and cycle access to adoptable standards. A suitably worded condition has been recommended to approvals for all phases, to ensure that both satisfactory detail and delivery of infrastructure is secured at the appropriate stages.
109. All footway and cycling infrastructure required for safe access and egress of each phase of the development will need to be provided prior to occupation of each dwelling to ensure safe means of travel for all modes of transport. This may require links both internally and offsite highway works as part of works to be completed under Section 278 of The Highways Act 1980. Additional green infrastructure walking and cycling routes are to be provided across the site. The exact status of these route will need to be further defined and clarified ahead of any Reserved Matters application(s). If intended to be offered for future adoption as public highway, they will be required to meet all adoptable standards of design and construction which require street lighting and a sealed surface. Any routes which are required as part of delivering safe routes to school infrastructure will need to be delivered at an agreed time, constructed to adoptable standards, and included as part of future Section 38 approval plans. It would be likely that the development would be subject to a

20mph-30mph limit to provide a safe environment for all road users, further discussion regarding internal speed limits can take place as part of a future detailed Reserved Matters application.

Parking

110. Details of car parking for individual plots or phases of the development would be determined through subsequent Reserved Matters applications and secured by condition. Parking provision should be made in accordance with the TVDG parking standards which are material consideration at the time of each submission, as the proposed build out period of the development may be lengthy, it is likely that these standards may change over time. Similarly, this would also apply to provision of cycle parking, and Electric Vehicle charging. A planning condition has been recommended to ensure that all homes have an EV charging space

Construction Management.

111. A comprehensive and robust construction management plan will be needed for each phase of works for reasons of both highway safety and residential amenity. Mechanical wheel washing plant should be located at each point of access close to the highway boundary from the initial stages of the project. Focus must be on the prevention of mud or other debris being deposited on the highway, rather than reactive measures such as road sweeping.

Structures Requiring Approval

112. Highway structures are not within the scope of the above guidance and will require separate agreement and technical approval. Early engagement and discussion and with the Local Highways Authority should be sought. Highway structure shall be designed in accordance with DMRB CD 350 'The design of highway structures' or any successor. Such structures are defined as a bridge, subway, underpass, culvert, or any other structure supporting the highway with a clear span or internal diameter greater than 0.9m; or a retaining wall situated within 1.5h (where "h" is the retained height of the wall) of the prospectively adoptable highway.

Strategic Road Network Impacts

113. National Highways have been a consultee on the planning applications since they were originally submitted. In 2019, National Highways responded to the Coniscliffe Park proposals, recommending that the adverse traffic impacts that the two adjacent developments would cause on the SRN, notably Bland Corner roundabout, would be mitigated through the design and delivery of a mitigation scheme. A financial contribution towards highway improvement schemes further north along the A66 was also agreed. National Highways has confirmed that these requirements remain in place, and they have requested planning conditions for the submission of a detailed scheme for improvement works to Blands Corner which should then be completed prior to the occupation of the 195th dwelling.

114. A financial agreement has also been reached for works to the A66 as identified within the Infrastructure Delivery Plan which would be secured by a Section 106 Agreement.

Sustainable Transport Matters

115. The application site will not be within 400m of a bus service and bus stops which means that the site does not comply with policy IN2 of the Local Plan. As a result, there is a need for a financial contribution for public transport and the amount has been agreed with the developer to be secured as part of the Section 106 Agreement.
116. There will be a need for cycle parking provision at each dwelling along with EV charging points which can be secured by a planning condition.
117. A sustainable transport contribution has also been agreed for the creation of a Safe Route to School along with improvements to Public Rights of Way and cycling and walking routes in the vicinity of the application site. Securing the financial contributions outlined above will ensure that the development complies with policies IN1, IN2, IN3 and IN4 of the Local Plan in this regard.

Travel Plan

118. A Travel Plan (2017) has been submitted in support of the planning application. In accordance with the Council's adopted Travel Plan Guidance Note, a travel plan will need to be submitted using Modeshift STARS and the financial contributions for the implementation and monitoring of the Travel Plan would be secured by the Section 106 Agreement.
119. The Council's Highways Engineer, National Highways and the Sustainable Transport Officer have no objections to the proposed development subject to planning conditions and appropriate financial contributions to be part of a Section 106 Agreement
120. The proposed development would be compliant with policies IN1, IN2, IN3, IN4 of the Local Plan and LCM15 and LCM18 of the Neighbourhood Plan in this regard.

h) Residential Amenity

121. There are no dwellings within the immediate proximity of the application site and the spatial relationships between new dwellings within the site will be considered in detail at future Reserved Matters stage. The proximity distances that must be met between existing and proposed dwellings and between the new dwellings within the new development are contained within the Council's adopted Supplementary Planning Document - Design for New Development.
122. Planning conditions have been imposed to secure the submission of a Construction Management Plan for each phase of the development and to secure details of any piling in the interests of safeguarding the amenities of the dwellings in the local area during the construction phase.

123. Planning conditions have been imposed to ensure that future occupants of the development will not be adversely impacted upon by the non-residential uses.
124. A Health Impact Assessment has been submitted in accordance with Policy DC3 of the Local Plan which concludes that the proposals have largely been assessed as delivering positive health impacts by virtue of the design, layout and composition of the development. This site is located within a sustainable location and the development proposals will deliver a significant amount of open space which will help foster community interaction and reduce health inequalities by providing areas on site for walking, running and recreation.
125. The planning application would be compliant with policies DC3 and DC4 of the Local Plan and LCM2 of the Neighbourhood Plan

i) Flood Risk and Drainage

126. The National Planning Policy Framework 2023 states (para 174), that decisions should contribute to and enhance the natural and local environment by, amongst others, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
127. Policy DC2 of the Local Plan states that new development will be focused in areas of low flood risk (Flood Zone 1). All development proposals will be expected to be designed to mitigate and adapt to climate change. They will be designed to ensure:
- a) They will be safe over the lifetime of the development.
 - b) Flood risk is not increased elsewhere and will, where possible, reduce flood risk overall.
 - c) Opportunities are taken to mitigate flooding elsewhere.
 - d) Full separation of foul and surface water flows.
 - e) Sustainable Drainage Systems (SuDS) are prioritised; and
 - f) SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) and national standards.
 - g) Opportunities for rainwater harvesting are utilised.

128. The supporting text for policy ENV4 states that the EU Water Framework Directive became part of UK law in 2003 with the primary objectives of achieving good ecological status in water bodies and providing protection for drinking water sources and protected sites (Natura 2000 sites and Sites of Special Scientific Interest). These requirements are reflected in the Environment Agency's Northumbria River Basin Management Plan which covers the Darlington Borough. In making decisions on spatial plans and planning applications, the Council has a duty to have regard to the Northumbrian River Basin Management Plan to ensure the protection and improvement of water quality. Changes to the design of development proposals will often avoid harm to water bodies. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur, or mitigation can be put in place to minimise this impact within acceptable levels.
129. A Flood Risk Assessment has been submitted in support of the planning application; The Environment Agency (EA) flood maps show that the development area of the Site is located entirely within Flood Zone 1 which is considered to be at low risk of flooding from rivers. Areas associated with Flood Zones 2 and 3 (medium to high risk) are located on the eastern boundary outside of the development area of the site.
130. An ordinary watercourse (ditch) runs eastwards along a central-eastern field boundary discharging into Baydale Beck. There are further ditches (ordinary watercourses) located on the southernmost boundary routing parallel to Baydale Beck on its eastern bank. This ditch does not have surficial hydraulic connectivity to Baydale Beck.
131. Fluvial flood risk mitigation measures from the onsite watercourses include:
- Sequentially developing the site and providing a 4m easement free from development either side of the onsite ditches and an 8m easement free from development adjacent Baydale Beck on the eastern boundary.
 - Undertake maintenance activities to keep the onsite ditches free from debris and overgrown vegetation to sustain conveyance.
 - Set finished floor levels of buildings a minimum of +150mm above external ground levels to mitigate residual flood risk from fluvial flooding.
132. Groundwater flooding and surface water flooding will be mitigated to a negligible level through the adoption of a surface water management strategy. The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the site following development will not increase. This will be achieved through two appropriately sized attenuation ponds, with outfalls to Baydale Beck on the eastern boundary of the site. All runoff will be restricted to QBAR for all return periods.

133. The FRA demonstrates that the proposed development, if developed sequentially, would be at low risk from flooding (greater than 1 in 1000 years; 0.1% AEP), and would not increase flood risk elsewhere. The FRA concludes that the development should therefore not be refused on the grounds of flood risk.
134. In making their response to the local planning authority Northumbrian Water assess the impact of the proposed development on their assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development against this context Northumbrian Water have raised no issues with the application, provided the application is approved and carried out within strict accordance with the submitted Flood Risk Assessment and Surface Water Management Strategy.
135. Northumbrian Water have confirmed that this proposal would be served by Stressholme Sewerage Treatment Works (STW), which has the dry weather flow (DWF) capacity to accept the domestic flows (Foul) generated by the construction of the new dwellings.
136. There is only one storm overflow between the proposed site and Stressholme STW. The location of which is immediately upstream of the works and is fully compliant with its permit from the Environment Agency. It is very difficult to accurately forecast the impact this development would have on the existing number and duration of storm spills from this overflow. However, the drainage proposal submitted as part of the application, suggests that this development will discharge surface water directly into a local watercourse which significantly reduces the volume of flows which would be generated from the development which would discharge into the public sewerage system. Northumbrian Water do have the ability to carry out some high-level network analysis to help them determine the impact, however previous data collected for a larger sized development (2000 dwellings) at Burtree Garden Village within the same drainage catchment had suggested that the increase in number of spills would be as little as one per annum.
137. The Government introduced the storm overflows discharge reduction plan, setting out stringent new targets to protect people and the environment. Northumbrian Water has a drainage and waste water management plan (DWMP) for the Darlington catchment which includes for all future growth as set out by the Local Plan. The storm overflow in question has been identified for improvements between 2030 - 2035. Any scheme identified already will have been sized to accommodate the spill volume and frequency generated with the development included for option development.

138. The Environment Agency has advised that they have no objections to the planning application subject to the imposition of planning conditions, including a which requests the submission of a detailed sewage treatment infrastructure plan to include, but not be limited to:
- a) A timescale for the proposed works at Northumbrian Water Limited (NWL) sewage treatment works, which will provide the required extra capacity and treatment levels to prevent deterioration of the Water Framework Directive (WFD) status of the Tees from Skerne to Tidal Limit waterbody. This will ensure that any proposed works will align with the build times of the development.
 - b) Confirmation of which sewage treatment works will receive the flows.
 - c) An assessment of the WFD impacts to the Skerne to Tidal Limit waterbody from the increase of foul drainage looking at the impact of Ammonia and Phosphate concentrations of the waterbody. An assessment of the hydraulic capacity, where any combined sewers will be connected into, demonstrating that no additional spills from combined systems will occur due to a lack of hydraulic capacity; and
 - d) An assessment of the total volume of foul drainage that will be generated by the development.
139. The reason for this particular condition is that the Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. It specifically states that no waterbody should deteriorate in status and aim to achieve Good Status or Good Ecological Potential as soon as is reasonably practical. Any proposed plan or development should not contradict the Northumbria River Basin Management Plan 2015. Without this condition, the impact could cause deterioration of the Water Framework Directive status of the Tees from Skerne to Tidal Limit waterbody, which currently has a WFD status of Moderate. This approach is supported by paragraph 174 of the National Planning Policy Framework and local development plan policies.
140. The Environment Agency is confident their request outlined in the conditions can be provided by the developer in consultation with Northumbrian Water.
141. The Lead Local Flood Authority has also raised no objections to the principle of the development subject to imposition of planning conditions relating to the future submission of a detailed surface water management scheme; the implementation of the submitted Flood Risk Assessment especially the surface water run off rate and the submission of a maintenance plan for any SuDs scheme, which are standard planning conditions.
142. Overall, the proposed development would accord with the NPPF and Policies DC2 and ENV4 of the Local Plan LCM3 of the Neighbourhood Plan in this regard.

j) Climate Change

143. Whilst the layout of the development will be subject to future Reserved Matters submissions, the layout orientation and design of buildings will be expected to take into account the needs for energy consumption, energy efficiency and carbon emissions from the development (Policy DC1 of the Local Plan). A financial contribution has been agreed to extend a bus service into the site and planning conditions would be used to ensure appropriate levels of cycle parking, both of which are to encourage sustainable methods of transport (Policy IN2 and IN4). The SuDs scheme would need to be designed to be resilient to the effects of climate change (Policy DC2 of the Local Plan) and every new residential dwelling which has a garage or dedicated marked out parking space within its curtilage will include an electrical socket suitable for charging electric vehicles (Policy IN4 of the Local Plan). Detailed landscaping schemes will be submitted as future Reserved Matters, and these can include appropriate species beneficial to climate change (Policy DC1 and ENV4 and ENV5). In June 2022, Part L of the Building Regulations was updated to cover the conservation of fuel and power in the building of new homes in England, for example all new homes have to produce 31% less carbon emissions than was previously acceptable. These rules are an interim measure ahead of the introduction of the Future Homes and Building Standard which wants to ensure that from 2025 all new homes produce 75 – 80% fewer emissions.

k) Air Quality

144. The impacts of dust and PM10 releases associated with the construction phase of the development have been assessed in accordance with the IAQM 'Guidance on the assessment of dust from demolition and construction' Feb 2014. During the construction phase the risk of dust soiling effects is classed as medium for earthworks and construction, and low for track out. The risk of human health effects is classed as low for earthworks, construction and track out. Reference is made to a best practice dust mitigation plan being produced for the site taking into account the recommendations in the IAQM guidance and dependant on the implementation of specific dust control measures the dust effects from earthworks, construction and trackout are considered not significant. A planning condition requiring a construction management plan to ensure the implementation of dust control measures has been recommended.
145. The air dispersion model ADMS-Roads (CERC, Version 5) has been used to assess the potential impact of development generated traffic on air quality NO₂, PM₁₀ and PM_{2.5} at 14 existing receptor locations on Staindrop Road, Woodland Road, Coniscliffe Road and Carmel Road South and at two receptor locations within the development site. The following scenarios have been assessed:
- a) Scenario 1: 2017 Verification and Base Year
 - b) Scenario 2: 2032 Opening/Future Year, Without Development
 - c) Scenario 3: 2032 Opening/Future Year, With Development
 - d) Scenario 4: 2032 Opening/Future Year, With Development, including a link road to additional development of 535 dwellings to the south.

- e) Scenario 5: 2032 Opening/Future Year, With Development, including a link road to development of 535 dwellings to the south, and including highways mitigation measures.

- 146. The 2032 'Scenario 3 with development' 'Scenario 4 link road and cumulative development' and 'Scenario 5 link road, cumulative development and highway mitigation' annual mean concentrations for NO₂, PM₁₀ and PM_{2.5} are not predicted to exceed air quality annual mean objectives/targets and following the guidance in IAQM 'Planning for Air Quality' Guidance Jan 2017. The report concludes that the development will have a negligible impact on air quality at all existing sensitive receptors which is an improvement on the 2019 Assessment when the impact of NO₂ concentrations at existing sensitive receptor (ESR) 3 for Scenario 3 and ESR 3-5 for Scenarios 4 and 5 was found to have a slight adverse impact. The air quality assessment predicts that all on-site pollutant concentrations will be well below the relevant air quality annual mean objectives/targets for both existing and proposed sensitive receptors and the overall effect of the proposed development on human health is considered to be not significant.
- 147. The proposal would be compliant with policy DC4 of the Local Plan and LCM8 of the Neighbourhood Plan

I) Noise

- 148. The Environmental Statement expands upon the original noise and vibration assessment report submitted with the planning application.
- 149. The assessment involved carrying out a number of noise surveys (attended and unattended) to establish the current noise levels in the vicinity of proposed and existing noise sensitive receptors for relevant daytime and nighttime periods. The site is bound by Staindrop Road (B6279) to the north, existing housing on the Mowden Estate to the east, a proposed housing development site for up to 535 No. dwellings to the south (17/00632/OUT) and Coniscliffe Grange Farm and open fields to the west, beyond which lies the A1 (M).
- 150. The assessment then goes on to consider noise/vibration as a result of construction works impacting existing receptors close to the proposed development site, as well as the impact of noise on future receptors on the proposed development site from existing noise sources in the area. These existing noise sources include the wind turbine and grain dryer at Coniscliffe Grange Farm, and road traffic noise from the A1 (M) and Staindrop Road. Future road traffic noise (as a result of the proposed development) has also been considered in the assessment in terms of the potential impact on proposed and existing sensitive receptors. In relation to potential noise impacts from activities associated with the proposed school/GP surgery and local store, as well as the proposed sports pitches, the assessment has not covered these in depth as at this stage there is not enough information relating to the future ancillary noise sources (i.e. precise noise sources, opening hours and delivery times etc). The report recognises that while these noise sources are only likely to operate

during the daytime period, mitigation (potentially including local screening of noise sources, careful selection of plant, timing of deliveries etc) will need to be incorporated into the design of the proposed mixed-use areas to ensure acceptable noise levels at proposed and existing sensitive receptors. It is acknowledged that further noise assessment work may be required as part of the detailed design stage.

151. The outline Master plan submitted the layout shows the proposed school, GP surgery, local store and sport pitches on part of the western side of the site which will provide a greater separation distance for some of the proposed dwellings from the noise sources which are located to the west of the site (namely the A1 (M) and Coniscliffe Grange Farm).
152. The Environmental Health Officer has considered each of the noise sources/aspects of the noise and vibration assessment.
153. The Assessment into the impact of noise from the construction works acknowledges that the earthworks and construction phase activities have the potential to generate short term increases in noise levels above those recommended in BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise) and it is therefore recommended that mitigation measures are put in place to reduce the scale of potential effects. The suggested mitigation measures include, but are not limited to, screening of noise sources by temporary screen, regular maintenance of plant and machinery, the avoidance of two noisy operations occurring simultaneously in close proximity to the same sensitive receptors and ensuring engines are turned off when possible.
154. In relation to vibration the assessment highlights that while it is unlikely that vibration due to the operation of construction plant will be above the threshold of complaint and structural damage (BS5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration), piling may be required to be undertaken on the site. However, at this time the type(s) of piling is not known and therefore the report details that once the precise details (building locations, ground conditions and type(s) of piling) are confirmed, vibration levels could be estimated and recommendations for control made as appropriate.
155. Generally, Environmental Health are satisfied with the information in relation to the construction phase and as the construction impacts and vibration/piling matters (including details of any mitigation) will also be covered by planning conditions, it is considered the construction phase does not warrant further consideration at this stage.
156. In relation to the wind turbine unattended noise monitoring (with audio recording) was undertaken in June 2016 approximately 40m south of the wind turbine. The noise monitoring was supplemented by weather monitoring data (including wind speed and wind direction measurements at 10m above ground, together with rainfall information). It is acknowledged in the report that noise from the wind turbine was

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

157. The report details that based on the manufacturer's noise data the wind turbine emits the highest sound power levels where wind speeds are at 11ms^{-1} and predicted calculations indicate that the L90 noise level of the Endurance E-3120 will be 35.4dB(A) at the nearest proposed residential receptor when operating at a wind speed of 11ms^{-1} . This noise level is on the threshold of the lower daytime limit (outlined in ETSU for low noise environments) which is considered a good indication that wind turbine noise will have a low impact at nearest proposed residential receptors. In addition, the existing noise environment is not considered to be a low noise environment as it dominated largely by road traffic noise from the A1(M) and the surrounding road network and therefore in complying with the lower limit for a low noise environment any impact given a higher noise environment will be even less. In relation to the night time period the limit set in the ETSU-R-97 guidance is higher for the nighttime than for the daytime as it is acknowledged that the nighttime period looks at the impact on people inside dwellings. The limit therefore takes into account the dwellings noise attenuation properties (i.e. reduction through an open window). Given that the assessment has shown the daytime limit will be met and that the existing noise environment is not considered to be low, Environmental Health are satisfied that the wind turbine will achieve the nighttime limit also. Furthermore, there are existing properties closer to the wind turbine than those proposed, and the wind turbine (12/00021/FUL) is also covered by planning conditions in relation to noise.
158. An assessment of the noise from the grain dryer at Coniscliffe Grange Farm has been carried out in accordance with 'BS4142: 2014 Methods for rating and assessing industrial and commercial sound' which covers sound from fixed installations which comprise mechanical and electrical plant and equipment. The assessment has focussed on the nighttime period, as background levels are at their lowest and as the grain dryer does operate overnight (when needed), the assessment is considered to be representative of a 'worst case scenario'.

159. Measurements of noise associated with the grain dryer were taken at two locations with the grain dryer turned on and turned off in order to establish the ambient (totally encompassing) and residual (ambient without the specific sound source) noise levels. This then enabled the specific noise level associated with the grain dryer to be extracted and compared against the background noise level and an assessment of the impact of the grain dryer on the proposed residential receptors carried out.
160. The BS4142 assessment for noise from the grain dryer concludes that the noise rating level at the nearest proposed receptor is less than the background noise level (by 2db) and is considered a good indication of this noise source having a low impact in accordance with BS4142. The report goes on to consider the BS4142 given the context of the proposed development and again it is concluded that noise from the grain dryer is likely to cause a low impact in the vicinity of the closest proposed receptors and that no specific mitigation is required in relation to this noise source.
161. Road traffic noise has been considered in the assessment in relation to the impact of existing road traffic on proposed receptors, as well as any impacts due to potential changes in road traffic as a result of the proposed development on existing and proposed sensitive receptors.
162. The results show that the noise impact at existing sensitive receptor locations due to changes in road traffic will be between negligible and minor adverse (highest traffic mitigation will be approximately 4dB(A) at one of the existing receptor location which is in the minor adverse impact category as detailed in DMRB). At the majority of existing receptor locations there would be no perceptible increase in the loudness of traffic noise however at receptors closest to Staindrop Road the increase has the potential to be at the threshold of perception but having said that, the report details that this increase is considered highly unlikely to cause a significant noise impact at these existing receptors.
163. The noise assessment indicates that for the proposed residential areas of the development noise mitigation measures would need to be incorporated into the proposed site design to ensure that the noise levels as detailed in BS8233:2014 and WHO 1999 are achieved within gardens, living rooms and bedrooms. The results indicate that noise levels in outdoor living areas in the northern and western parts of the site (closest to Staindrop Road and the A1 (M)) will not achieve the recommended daytime noise level of 55dB LAeq. However, with mitigation in the form of a 20 metre standoff area and the installation of a close boarded fence (at least 1.6 metres in height) the recommended daytime noise level will be achieved in gardens closest to Staindrop Road. It is considered that to achieve this level in garden areas in the western part of the site (nearest the A1 (M)) a close boarded fence of 1.6 metres will need to be installed or alternatively the properties could be orientated with gardens on the screened side of the dwellings.

164. When looking at achieving recommended daytime noise levels in living rooms the assessment considers that while standard double glazing will be sufficient to ensure internal noise levels are met with windows closed (in properties nearest to off-site noise sources), with windows open the internal noise value (for living rooms – 35dB LAeq, 16hour) would be exceeded. It is therefore detailed that some form of acoustic ventilation should be incorporated into the final design of such properties.
165. For the night time noise levels within bedrooms (with windows closed) standard thermal double glazing is considered sufficient to ensure the levels are met for bedrooms in the western part of the site (closest to the A1 (M)), however for bedrooms closest to Staindrop Road enhanced acoustic glazing would be required to ensure the recommended noise levels are met (30dB LAeq, 8hour). With windows open the internal noise guideline value is exceeded and therefore some form of acoustic ventilation is required for bedrooms facing both the A1 (M) and Staindrop Road.
166. These points can be dealt with via the impositions of planning conditions.
167. The submitted report also includes an assessment of the potential impact of road traffic noise on the proposed primary school, local store and GP Surgery. For the proposed primary school, the assessment concludes that while noise levels in the vicinity of the proposed school are below the upper limit recommended by 'Building Bulletin 93: Acoustic design of schools – a design guide' (BB93) mitigation is required in order to achieve the recommended noise levels for unoccupied playgrounds (55dB LAeq) and for one outdoor teaching area to achieve levels of no more than 50dB LAeq. It is detailed in the assessment that a close boarded fence of at least 1.6 metres in height should be included between playground areas and the A1 (M) or playground areas could be situated on the screened side of the school building. For the proposed outdoor teaching area to meet the desired level it is suggested in the report that this area could also be located on eastern part school site or again screened by the school building itself.
168. In terms of road traffic noise impacting the local store and GP Surgery the assessment concludes that standard thermal double glazing would be sufficient to ensure appropriate internal noise levels are met for proposed sensitive rooms with windows closed. However, with windows open recommended noise guideline values in noise sensitive rooms within the surgery would be exceeded and therefore some form of acoustic ventilation would need to be incorporated within those areas. This will be better understood and should be considered in more depth once the final site layout is established.
169. The report mentions that mitigation measures will be incorporated into the design of the proposed mixed-use areas (assume includes sports pitches too) to ensure that noise is within acceptable levels for proposed and existing sensitive receptors. This can be considered in more depth at the more detailed design stage and can be controlled via the recommendation of planning conditions. Amongst other things the

conditions are likely to include imposing restrictions on deliveries and the operation of any plant.

170. The proposed off site highway measures were tested in a model with results showing an increase in capacity at the junctions yet a reduction in delay. The noise assessment has taken into account the traffic flows/data with the mitigation measures in place and considers proposed and existing sensitive receptor locations and the impacts. Since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) this will likely have positive impacts in relation to noise.
171. Overall, the assessment has shown that the site is suitable for its proposed use, but mitigation will be required to minimise the effects of noise. Based on the information submitted while Environmental Health would not object to the application but taking into account the above comments and due to the site layout not being finalised and precise detail on some of the other noise sources not being known at this stage, conditions are being imposed to ensure control over certain elements of the development in relation to noise. The conditions also cover the potential impact of the proposed strategic spine road.
172. The development would be compliant with policy DC4 of the Local Plan and LCM2 and LCM8 of the Neighbourhood Plan

m) Land Contamination

173. The Geo-Environmental Report (Phase 1) dated January 2016 looks to assess potential contamination risks associated with the historic use of the site and surrounding area in relation to the proposed future use as residential. The site is currently used for arable agricultural purposes and is surrounded by agricultural land to the south and west and to the north and east by residential areas. A site walkover was undertaken in November 2015.
174. While no features have been identified on the site itself unspecified tanks, pits and old clay pits were identified within 250m which have the potential to have been infilled. In addition to this a former coal depot, pumping and filtration works and cuttings/railway sidings are considered potential sources of contamination which were also identified within 250m of the site.
175. The report concludes that it is considered there are no significant risks associated with land quality at the site but that intrusive ground investigation should be undertaken to confirm the ground conditions and collect samples to confirm soil quality, and to test existing topsoil to assess its suitability for reuse within the development.
176. Environmental Health has recommended the imposition of appropriate planning conditions. The development would be compliant with policy DC1 of the Local Plan and LCM 8 of the Neighbourhood Plan.

o) Impact on the Setting of Heritage Assets

177. A Heritage Statement has been submitted in support of the planning application which confirms that there are no onsite heritage assets. However, the Statement continues to consider the impact of the development on the setting of assets outside of the site and it concludes that the development would have a neutral impact on them.
178. Schedule 4 of the EIA Regulations identifies a number of aspects of the environment that should be considered, namely human health, biodiversity, soil, water, air, climate change, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
179. The Statement sets out that noise, vibration, visual impact, air pollution, dust and dirt, ecological impact and heritage and Conservation Areas are considered to be outside the scope of the Transport Chapter. However, it states that increases in traffic flows of less than 10% are accepted within the IEMA Guidance as having negligible impact as daily variance in traffic flows can be of equal magnitude, unless there is a 'specially sensitive area' within the study area. Examples of 'specially sensitive areas' given within the Guidance include accident blackspots, conservation areas, hospitals and links with high pedestrian flows.
180. The Statement does not refer to traffic flows through the historic settlement of Cockerton which is a conservation area and therefore a 'specially sensitive area' but since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) it is considered that the conservation area will not be adversely affected. The mitigation works themselves would not harm the significance of any heritage assets in the locality.
181. The Heritage Report summarises a likely neutral impact on the setting and significance of listed buildings. None of the listed buildings referenced are in, or adjacent to the site boundary. The development would accord with policy ENV1 of the Local Plan, the National Planning Policy Framework 2023 and LCM8 and LCM10 of the Neighbourhood Plan in this regard.

p) Impact on Existing Trees and Landscaping

182. No trees on the site or adjacent to the site are covered by Tree Preservation Orders or are within a Conservation Area.
183. A total of eighteen individual trees, eight groups of trees and seventeen hedgerows were surveyed as part of the Arboricultural Assessment. Tree cover associated with the site included maintained predominantly hawthorn hedgerows within which stood individual ash and English oak. Two tree groups had also established adjacent to Baydale Beck, ash and hawthorn being the principal species within both groups. The majority of the trees and hedges are Category B and C species but there are two Category A trees.

184. The Assessment advises that the positioning residential parcels within existing field parcels and incorporating existing hedgerows within proposed green space has allowed for the retention of nearly all the existing trees and the majority of hedgerows. The change in land use will require that some sections of hedgerow be removed to create gaps for vehicular and pedestrian links between existing field parcels. This includes two proposed access points off Staindrop Road. Any losses for access points would be kept to a minimum and would avoid higher quality individual trees.
185. The Reserved Matters applications would consider the relationship between the layout and the retained trees which would need to be protected during the development phase which would be secured by a planning condition as would the need to include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan with any Reserved Matters submissions.
186. The Assessment concludes the proposed development and the layout, from an arboricultural perspective, has been informed by the existing tree cover allowing for the retention of nearly all individual trees and hedgerows. Where hedgerow loss is necessary to provide links between existing field parcels this loss would be mitigated for through new tree and hedgerow planting which has at this outline stage illustrated that the development will be set to significantly increase tree cover on the site.
187. It is envisaged that new tree planting will be located along the main avenue and at the entrance gateways to the development. Elsewhere, use of street trees will establish a distinct character for the development. Within the open space larger growing tree species will be used including a higher proportion of native species. The Housing Allocations Statement for the site within Appendix A of the Local Plan makes reference to landscaping requirements that would need to be met as part of the landscaping Reserved Matters submission and further guidance has been given by the Council's ecology consultant. Planning conditions have been recommended to ensure that any landscaping scheme is reflective and generally compliant with the guidance.
188. A landscaping scheme would be submitted as a future Reserved Matters submission.
189. As part of the proposed highway mitigation works on the A66 Blands Corner a single Lime tree would need to be removed to allow for the widening of Carmel Road South. Works to widen the carriageway would incur within the root protection areas (RPAs) of further trees along Carmel Road South but the extent by which the road would be widened would not be considered significant and highly unlikely to affect the stability of the trees. The proposals would not require any trees to be removed from along the A66, but it would require the trimming back of existing trees to allow for the proposed works within the existing grassed verge. Should Highways England require a grass verge to be installed a single row of trees may need to be removed but this would not be significant from an arboricultural perspective nor reduce the

landscape and screening value of the wider tree group. There is also an opportunity to remove a Lime tree on the A66 which is considered unsuitable for retention.

190. Overall, subject to an appropriate landscaping scheme, the development would accord with policies DC1, ENV3, ENV4 of the Local Plan and LCM1 of the Neighbourhood Plan in this regard.

q) Impact on Footpaths and Public Rights of Way

191. During the consideration period of this planning application, there has been successful diversion orders relating to Footpath No 5 and Bridleway No 4 (in the Parish of Low Coniscliffe) and the revised routes will be taken into consideration at Reserved Matters stages.
192. The Design and Access Statement in support of the planning application highlights the importance of creating and maintaining a well-connected network of green infrastructure and connectivity to the wider footpath network. It is vital that the existing Public Rights of Way are retained and maintained where appropriate and that there are linkages with the existing urban edge of Darlington. As stated above, the Masterplan shows potential links over the Baydale Beck to the existing dwellings and these links would be the subject of future planning applications.
193. Suitable access and crossing provisions of the existing Rights of Way will need to be created in appropriate locations which would form part of future Reserved Matters submissions.
194. The Landscape and Visual Impact Assessment submitted in support of the application concludes that features along the routes such as hedgerows, trees, ditches and watercourse would largely be retained and whilst the proposed residential development within the site would change the nature of views and result in a loss of open setting the initial effects on Rights of Way within the site range from Moderate/Major or moderate adverse, reducing to Moderate or Minor adverse as tree and shrub planting within the open space and greenway corridors establish.
195. Longer distance views of the proposed development would also be available a bridleway to the north of Staindrop Road. Such views are seen within the context of Darlington's existing settlement edge. Proposed built development would be filtered by existing field hedgerows and tree belt situated within the intervening landscape. Initial Minor adverse effects would reduce to Negligible as tree and shrub planting within the proposed Green Infrastructure establishes. Negligible effects occur upon the Public Rights of Way and highway network situated within the wider landscape to the west of the A1 (M).
196. Any identified improvements to the footpaths within the application site would be a cost for the developer.

197. There are several other Public Rights of Way in this area and as part of a Section 106 Agreement, the applicant has agreed to a financial contribution to improve and upgrade some of these paths given the increase of people to the area, who will undoubtedly be using these paths regularly for exercise, dog-walking etc.
198. Overall, it is considered that the development will not have an adverse impact on the character of the footpath network or impact upon the experience of those that would use them. A planning condition is recommended for a PROW strategy document to be provided for this development, detailing the proposed shielding, surfacing, crossings, existing furniture upgrades, bridge upgrades, any requirements for diversions and other provisions made for the PROW both on and surrounding the site. It would also contain timelines and details of how PROW users will be kept safe during the development phase.
199. The development would be compliant with policies IN2 and IN3 of the Local Plan and LCM19 of the Neighbourhood Plan in this regard.

r) Ecology

200. The site comprises five large arable fields, a small area of poor semi-improved grassland, scrub, a pond, mature trees and hedgerows. Adjacent to the site to the east is an area of semi-natural broad-leaved woodland and Baydale Beck.
201. An Ecological Appraisal advises that the development of the site is not expected to negatively impact on any statutory or non-statutory designated sites located in proximity to the site. The hedgerows and the onsite pond are to be retained as well as measures to avoid adverse effect from development such as buffering and green corridor creation. A generous buffer to the woodland along the eastern boundary is proposed to protect this priority habitat from adverse impacts of the proposed development.
202. An updated Ecology Appraisal (December 2021) advises that further surveys for great crested newts have been carried out and they have indicated great crested newt are present within the site and mitigation involving either a) creation of a translocation site and periods of trapping and translocation of individuals will be required to prevent killing and injury of this protected species; or b) Registration of the site into the Natural England GCN district level licensing scheme whereby a payment will be made to mitigate for the loss of an estimated equivalent six ponds.
203. Further detailed surveys for water vole and otter indicated otter are present and that a small population of water vole were present along Baydale Beck, although surveys found no fresh field signs. Mitigation measures have been recommended in the Assessment for any future works which may impact these populations locally.

204. Bat activity surveys were conducted as the site provides suitable foraging and commuting habitats. The species assemblage recorded comprised common and widespread species. The recorded level of activity does not suggest that the application site forms a particularly important resource for the species recorded at any more than a site level. Proposals retains the features of value to foraging and commuting bats, however, several habitat features of value at a site level will be degraded as a result of the proposals. This degradation will, however, be compensated for with the provision of sensitive development and substantial new greenspace. As such, the Assessment considers that the overall scheme will not result in any significant net loss of habitat value to bat populations.
205. Precautionary measures are recommended within the Assessment that would prevent harm to breeding birds, should they be present.
206. The Assessment concludes that overall, the site currently has a low biodiversity value. The report identifies a number of potential ecological enhancements including the broadening of species diversity throughout the site through the enhancement of retained hedgerows and creation of new green space. Whilst these will provide inherent enhancements, they will also provide new foraging habitat, corridors of movement and places of rest or shelter for a wide range of faunal species. Further enhancements have also been recommended through the provision of a range of new bird and bat boxes.
207. The Council's Ecology consultant has commented that the data supporting the application is sound and the recommendations held with the Ecological Appraisal will ensure that impacts on species are accounted for with the development process. The Biodiversity Enhancements listed in the Ecological Appraisal provide a good starting point for encouraging wildlife across the site and would be expected to be detailed within final landscaping plans at reserved matters.
208. There is a requirement under Policy ENV 7 and Policy ENV 8 of the Local Plan and under the Environment Act 2021 to undertake a biodiversity net gain (BNG) assessment of the site. An assessment including Biodiversity Net Gain (BNG) calculations for the site to achieve a net gain in biodiversity has been submitted in support of the planning application which concludes that based on the information provided, the development can potentially achieve a 10% net gain in biodiversity.
209. The Council's Ecology consultant agrees that the submitted DEFRA Metric indicates that the development can, in principle, deliver biodiversity net gains as required by the NPPF and the Local Plan. These net gains can be delivered on site and there is no requirement for an off-site location or financial contribution.

210. However, at Reserved Matters stage an updated DEFRA metric will be required to match with an updated Landscape Masterplan and shows net gains in line with the draft metric provided with this outline application. An updated and detailed Biodiversity and Ecological Management Plan will also need to be secured by a planning condition. The management plan will run for a minimum of 30 years and include target habitat descriptions alongside details of habitat enhancement and long-term management. Monitoring protocols will also be expected to be detailed and span the duration of the plan. The management plan should include clear review periods and a mechanism for supplying the Local Planning Authority with the results of monitoring and reviews. The Outline Biodiversity and Ecological Management Plan submitted in support of this planning application gives the Local Planning Authority confidence that habitat can be managed in an appropriate manner.

211. Overall, the proposed development would be compliant with policies ENV7 and ENV8 of the Local Plan and LCM5 and LCM6 of the Neighbourhood Plan in this regard.

s) Affordable Housing

212. Policy H5 of the Local Plan requires proposals in the Heighington and Coniscliffe Ward to provide 20% affordable housing, of which, 50% for affordable rent and 50% for affordable home ownership. The applicant has acknowledged this requirement which would be secured as part of a Section 106 Agreement

t) Sport Provision

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

214. The application includes two playing fields/sports pitches. One would be associated with the proposed school, and one would be freestanding community facility. It would be the intention to have the field associated with the school constructed and managed so as to allow for community use so they can be counted as community sport provision, and this would be secured via the Section Agreement. Transferring of the freestanding pitches to a management company would form part of the Section 106 Agreement. These two areas, together, would meet the playing pitch requirements for both sites, as required by the Council's SPD on Planning Obligations. On this basis, Sport England support the proposed development. Planning conditions and a Section 106 Agreement would be used to secure the community use. The development would be compliant with policy IN10 of the Local Plan in this regard.

u) School Places

215. The Council's Assets & Place Planning Manager when considering the Masterplan has advised that land is reserved for a 1.83ha site sufficient for a 420 place school and 52 place nursery. Land would be set aside for a period of time, for instance 10 years from the commencement of the development, and there will be reviews during this time period, of school places available to serve the development and the method of transferring the land to the Council or a body nominated by the Council will form part of a Section 106 Agreement.
216. The land has been set aside as part of this development site and the developers for adjacent site (ref no: 17/00632/OUTE) would contribute to the developers of this site for their proportional share off the value of the safeguarded land. The scheme would accord with policy IN10 in this regard.

v) Developer Contributions

217. 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:
- a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
218. The Heads of Terms that have been agreed with the applicant are:
- £487,500 - A Public Transport contribution for Bus Service
 - £989,457 - Public Rights of Way Improvements and Safe Route to School including new bridge crossings
 - Travel Plan Contributions consisting of:
 - a) £2850 monitoring fee
 - b) Up to £295,500 for Personalised Travel Advice (based on £300 per household)
 - c) Up to £197,000 for Travel Plan Implementation Bond (based on £200 per household)
 - £573,111.69 Off site Highway Improvements Works on the A66/A67/ B6280 Morton Palms Roundabout north bound approach and A66/A1150 Burdon Roundabout
 - Up to £1,947,436.81 for off-site highway improvements on the A68 corridor (based on £1,977.09 per dwelling)
 - £5000 for implementing a Traffic Regulation Order
 - Management Programme for open space and play areas.
 - Details of the retention and transfer of the land set aside for a primary school, playing fields, a local store and healthcare facility.

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

THE PUBLIC SECTOR EQUALITY DUTY

220. 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. The dwellings would be built to the minimum requirements of Part M of the Building Regulations and footpaths will include appropriate design features such as tactile paving and dropped kerbs etc. It is envisaged that the development will comply with Policy IN2 in the regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

222. The Darlington Local Plan allocates the application site for housing development which will contribute towards meeting the Borough's housing need over the plan period to 2036. The site is also identified in the Local Plan as being within the development limits but not by the Low Coniscliffe and Merrybent Neighbourhood Plan which was adopted in 2029 and is a material planning consideration. Neighbourhood Plans are required to be in general conformity with strategic policies contained within Local Plans that cover their area. However, policies in a neighbourhood plan may become out of date if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. Essentially, the more recent plan policy takes precedence. In light of this and as the Darlington Local Plan (2016-2036) was more recently adopted, where any conflict exists between the neighbourhood plan's strategic and non-strategic policies in the Darlington Local Plan (2016-2036) the Local Plan policies should take precedence. As a result, the principle of redeveloping this application site for residential purposes is acceptable in general planning policy terms subject to compliance with other national and local plan policies.
223. The application is Environmental Impact Assessment development under Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations.

The impacts of the matters for consideration in the ES (Traffic and Transport; Air Quality Noise and Vibration) has been fully taken into account by the Local Planning Authority.

224. This outline planning application is based upon a Masterplan that includes this application site and land to the north which is the subject of a separate planning application (ref no: 17/00632/OUTE) and is also on this agenda for consideration. The planning applications have been considered both individually but also cumulatively in terms of their location and connectivity with the western edge of the urban area and their impact on matters such as infrastructure links, residential amenity, flood risk, ecology, trees, noise, air quality, Public Rights of Way and the local and strategic highway network. This is an outline planning application with all matters apart from access reserved for future submissions and consideration, but based on the technical information that has been submitted at this stage, the development is considered to be compliant with the local development plan and the National Planning Policy Framework 2023 subject to the planning conditions and planning obligations listed below.

THE DIRECTOR 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:

- £487,500 - A Public Transport contribution for Bus Service
- £989,457 - Public Rights of Way Improvements and Safe Route to School including new bridge crossings
- Travel Plan Contributions consisting of:
 - d) £2850 monitoring fee
 - e) Up to £295,500 for Personalised Travel Advice (based on £300 per household)
 - f) Up to £197,000 for Travel Plan Implementation Bond (based on £200 per household)
- £573,111.69 Off site Highway Improvements Works on the A66/A67/ B6280 Morton Palms Roundabout north bound approach and A66/A1150 Burdon Roundabout
- Up to £1,947,436.81 for off site highway improvements on the A68 corridor (based on £1,977.09 per dwelling)
- £5000 for implementing a Traffic Regulation Order
- Management Programme for open space and play areas.
- Details of the retention and transfer of the land set aside for a primary school, playing fields, a local store and healthcare facility.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, OUTLINE 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

GENERAL

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

APPROVED PLANS

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Drawing Number 7055 –L- 100 - Location Plan
 - b) Drawing Number p16033-002A – Proposed Access Arrangement (only those works within the existing public highway and the application site)

REASON: For the avoidance of doubt.

5. The application(s) made pursuant to condition 1 shall not propose more than 985 dwellings and a local centre comprising convenience store with up to 400 sqm retail floor space (e Class E), a GP (Class E) land for proposed primary school and early years school (Use Class F1) and sports pitches with associated parking.
REASON: For the avoidance of doubt.

HILLSIDE CONDITION

6. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 4) and the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_R) listed at condition 7 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.
REASON: For the avoidance of doubt.

MASTERPLAN

7. The detailed matters to be covered in the Reserved Matters, shall be carried out in broad accordance with the Indicative Development Framework plan (Drawing Number 7055-SK-01_R) contained in the application and the plans submitted therewith and approved by the Local Planning Authority or as shall have been otherwise agreed in writing by the Local Planning Authority.
REASON: In order to achieve a satisfactory form of development.

NUTRIENT NEUTRALITY

8. Prior to the commencement of any phase of the development hereby permitted, details of a nutrient mitigation scheme for that phase of development shall be submitted to, and approved in writing, by the Local Planning Authority in consultation with Natural England. Such mitigation scheme shall address the additional nutrient load imposed on protected European Sites by the development and shall allow the Local Planning Authority in consultation with Natural England to ascertain that such additional nutrient loading by the development will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites. The mitigation scheme should also take into account changes in legislation and any upgrades to Stressholme Wastewater Treatment Works. The approved nutrient mitigation scheme shall be implemented for that phase prior to the first occupation of any dwelling within that phase of the development, in accordance with the approved mitigation scheme, and any subsequent amendments shall be agreed in writing by the Local Planning Authority.

Where part or all of the nutrient mitigation scheme relies upon the cessation of agricultural production within the red line boundary, then prior to the occupation of the first dwelling within that phase of the development evidence shall be proved in writing that such uses have ceased, a management plan setting out how the agricultural use remains ceased and an annual report demonstrating continued adherence to the nutrient mitigation scheme as approved.

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017 (as updated, amended and superseded).

9. Where part or all of the nutrient mitigation scheme relies upon an appropriate Sustainable Drainage Systems (SuDs), precise details of the SuDs measures and the reduction to the nitrogen levels in accordance with guidance contained within Ciria "Using SuDs to reduce Nitrogen In Surface Water Run off" document (C815) dated 2023 shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details, which shall be implemented in full for that phase prior to the occupation of the first dwelling within that phase of the development.

Where part or all of the nutrient mitigation scheme (in a) above) includes reliance upon greenspace and/or landscaped areas within the site red line boundary, then prior to the commencement of that phase of the development a landscape management plan, including the long term design objectives, management responsibilities, and maintenance schedules for such greenspace and/or landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) The detail, extent and type of new planting.
- b) Details of management regimes including confirmation that the green spaces and/or landscaped areas will be managed with no or low fertiliser input.
- c) Details of any new habitat created on site including new drainage basins, habitat piles and great crested newt hibernacula.
- d) Details of treatments of site boundaries and/or buffers around water bodies.
- e) Details of dog waste bins [and signs to encourage their use]
- f) Details of management responsibilities
- g) Details of timetables for provision, management and maintenance of each element

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017 (as updated, amended and superseded).

EXTERNAL MATERIALS

10. No dwellings hereby approved within the development as a whole or within each phase of the development shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings in that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the visual amenity.

PLAYING FIELDS/PITCHES

11. The Reserved Matters referred to in Condition 1 shall provide detail of how the proposed playing fields shall be constructed and laid out in accordance with the with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with a phasing plan to be submitted as part of the Reserved Matters application.

REASON: To ensure that the development makes appropriate sporting provision for its residents in accordance with para. 92 of the National Planning Policy Framework 2023.

12. Prior to the first use of any sports pitch(es) to be available for Community use, a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to the sports pitch(es) and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England consider necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.

REASON: To ensure that the development makes appropriate sporting provision for its residents in accordance with the National Planning Policy Framework 2023.

FLOOD RISK AND DRAINAGE

13. The development permitted by this planning permission shall only be carried out in accordance with the document entitled Flood Risk Assessment – Land South of Staindrop Road dated May 2017 and produced by Enzygo Environmental Consultants and the following mitigation measures detailed within the FRA:

- a) Limiting the developable area, excluding roads and footpaths, outside of the 8 metre distance of the Main Rivers within the vicinity.

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

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

14. No development shall take place until a Biosecurity Plan has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. The biosecurity plan shall include the following elements:

- a) biosecurity and invasive non-native species (INNS) management best practice, utilising the check-clean-dry procedure across the site.
b) identify specific actions and mitigation for known INNS, and methods to ensure no INNS are brought on to site.

- c) a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.

REASON: To prevent the spread of invasive non-native species, such as Himalayan balsam, New Zealand pigmyweed, giant hogweed, Japanese knotweed, and signal crayfish.

15. No development within a phase shall take place until a landscape management plan for that phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved for that phase and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

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

REASONS: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the site's nature conservation value of the site in line with national planning policy.

16. No development within a phase shall take place until construction and management plans for that phase of the existing pond and proposed drainage basins are submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy. This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework 2023, which recognise that the planning system should conserve and enhance the environment by minimising impacts on biodiversity.

17. The development hereby permitted shall not be commenced until such time as a detailed sewage infrastructure plan has been submitted to, and approved in writing by, the local planning authority. The plan shall be implemented as approved. The plan shall include the following elements:

- a) Confirmation of which sewage treatment works will receive the foul flows. Confirmation that there is sufficient capacity in the receiving Northumbrian Water network to accept the flows without increasing storm overflow spills.

- b) Confirmation that there is sufficient capacity at the receiving sewage treatment works (STW) to accept the flows while still operating within the permitted flow and quality limits.
- c) A timescale for the proposed works at Northumbrian Water Limited (NWL) sewage treatment works, which will provide the required extra capacity and treatment levels to prevent deterioration of the Water Framework Directive status of the Tees from Skerne to Tidal Limit waterbody (GB103025072595). This will ensure that any proposed works will align with the build times of the development.
- d) If there is not currently capacity within the network or at the STW, then the plan should detail an appropriate phasing approach for the development to enable the necessary upgrades to the sewage network before connecting the development.
- e) An assessment of the WFD impact to the Skerne to Tidal Limit waterbody (GB103025072595) from the increase of foul drainage looking at the impact of Ammonia and Phosphate concentrations of the waterbody.
- f) An assessment of the hydraulic capacity, where any combined sewers will be connected into, demonstrating that no additional spills from combined systems will occur due to a lack of hydraulic capacity; and
- g) An assessment of the total volume of foul drainage that will be generated by the development.

REASON: The Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. It specifically states that no waterbody should deteriorate in status and aim to achieve Good Status or Good Ecological Potential as soon as is reasonably practical. Any proposed plan or development should not contradict the Northumbria River Basin Management Plan 2015. Without this condition, the impact could cause deterioration of the Water Framework Directive status of the Tees from Skerne to Tidal Limit waterbody (GB103025072595). The Tees from Skerne to Tidal Limit (GB103025072595) has an overall status of Moderate.

18. The development hereby permitted shall not be commenced until such time as a Construction Surface Water Management Plan for each phase of the development has been submitted to, and approved in writing by, the local planning authority. The scheme for each phase shall be implemented as approved. The plan should include, but not limited to, the following:
- a) Treatment and removal of suspended solids from surface water run-off during construction works.
 - b) Approach to ensure no sewage pollution or misconnections.
 - c) Approach to ensure water mains are not damaged during construction works.
 - d) Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill.

- e) If contaminated land is present, then construction runoff is likely to contain hazardous chemicals and elements. If this is the case, a scheme is required to manage the associated risks, and minimise mobilisation of hazardous pollutants into the water environment during construction and site operation.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

19. The development hereby permitted shall not be commenced until such time as a Water Framework Directive (WFD) assessment has been submitted to, and approved in writing by, the local planning authority.

REASON: This approach is supported by paragraph 174 of the National Planning Policy Framework (2023) which recognises that planning should contribute to and enhance the environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans.

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

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

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Policy DC2 of the Darlington Local Plan and the National Planning Policy Framework 2023.

21. The development permitted by this planning permission shall only be carried out in accordance with the document entitled Flood Risk Assessment – Land South of Staindrop Road dated May 2017 and produced by Enzygo Environmental Consultants and the following mitigation measures detailed within the FRA:

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

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

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

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

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

23. The development or each phase of the development hereby approved shall not be carried out otherwise than in broad accordance with the drainage scheme contained within the Flood Risk Assessment (FRA) SHF.1132.050.HY.R.01.B dated September 2017 and "Foul Drainage Analysis". The drainage scheme shall ensure that foul flows discharge to the existing foul sewer at or downstream of manhole 4502 and ensure that surface water discharges to two new outfalls to the Baydale Beck unless otherwise agreed by the Local Planning Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023.

PHASING PLAN

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

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

HIGHWAYS

25. Prior to the first occupation of the development a detailed scheme, including arboricultural works and protection measures, for the off-site highway improvement works at Bland's Corner shown indicatively on drawing 14011/GA/05 rev D shall be submitted to and approved in writing by the local planning authority and Highways England.

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

26. Prior to the occupation of the 195th dwelling, the off-site highway improvement works referred to in condition 25 shall be completed in accordance with such details as approved.

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

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

REASON: In the interests of road safety.

28. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until swept path analysis, fully detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

REASON: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

29. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
REASON: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
30. Notwithstanding condition 24), except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed phasing plans of the internal highway and footways which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. Details shall include for each individual phase; how each phase(s) of the development provide footway and cycleway connections between one another; and to the proposed Safer Routes to School (STRS) network to the east of the application site, via the 2no proposed bridges and 1no.existing bridge over Baydale Beck (whichever is applicable) and other suitable routes. This will include phasing details for new and improved/modified walking and cycling infrastructure to ensure that the cycling and walking network within the site are developed in a comprehensive and timely manner and provide safer routes to local schools. The development must only be carried out in compliance with the approved engineering drawings and the routes identified will be constructed in accordance with the phasing details prior to the occupation of each phase to ensure that residents have access to community services via active travel.
REASON: To ensure safe and appropriate access and egress and turning facilities to all premises, in the interests of highway safety and the convenience of all prospective highway users.
31. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each

item of the off-site highway works must be completed in accordance with the approved engineering details and programme of delivery.

REASON: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

32. There must be no access or egress by any vehicles between the highway and in curtilage driveway until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been submitted to and approved in writing by the Local Planning Authority. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON: In the interests of highway safety.

33. No dwelling on each phase of the development must be occupied until the related parking facilities submitted to and approved in writing by the Local Planning Authority. The agreed parking provision shall be constructed in accordance with the details approved in writing by the Local Planning Authority prior to the occupation of each dwelling on each phase of the development. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

SUSTAINABLE TRANSPORT

34. Prior to the first occupation of dwellings on each phase of the development, precise details of cycle parking provision for each dwelling within that phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking details shall accord with the guidance contained within Cycle Infrastructure Design - Local Transport Note 1/20 July 2020 and shall be in place prior to the occupation of each dwelling.

REASON: In order to promote sustainable modes of transport.

35. Prior to the construction of dwellings within the development, precise details of the location and infrastructure design of bus stops on the proposed link road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be fully implemented to an adoptable standard and available for use prior within a timeframe to be agreed by the Local Planning Authority.

REASON: To ensure that a bus service can be operational within the development.

36. Prior to the first occupation within a phase 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.

TRAVEL PLAN

37. Further to the submitted Framework Travel Plan (May 2017), Travel Plans (TP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and Highways England. prior to the first occupation of each phase of the development hereby approved. The individual Travel Plan shall be added to the ModeshiftStars Community / Modeshift Stars Business/Residential site and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Bronze Standard within 12 months of the occupation of the phase of development and annual reviews for the first five years of the Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To encourage and promote sustainable transport.

HOUSING MIX

38. The development hereby approved shall comprise 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard. Precise details of how this will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development or each phase of the development and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036.

PUBLIC RIGHTS OF WAY

39. Prior to the commencement of the development, a phased Public Right of Way Strategy shall be submitted and approved in writing, by the Local Planning Authority. The details shall include but not be limited to, details of shielding, surfacing, crossings and further provisions made for the Public Rights of Way both on and surrounding the site., details of timelines for construction in proximity to the Public Rights of Way and how users will be kept safe during the construction period of each phase. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To protect and enhance the existing Public Rights of Way in accordance with Policy IN1 of the Darlington Local Plan 2016 – 2036.

NOISE (GENERAL/SCHOOL DEVELOPMENT/PLAYING FIELDS)

40. For each phase of the development, prior to or at the same time as a reserved matters application relating to layout, a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise (from the A1(M), Coniscliffe Road and the new strategic spine road) and noise from the Baydale Beck Public House, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings based on good acoustic design* and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment.

a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:

- Internal noise levels for bedrooms shall not exceed 30dB LAeq(8 hour)**
- Internal levels shall not exceed 45dB LAFmax more than 15 times during the night***
- Internal noise levels for living rooms shall not exceed 35dB LAeq(16 hour)**
- External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)** unless otherwise agreed in writing with the Local Planning Authority

* A good acoustic design process should be followed in accordance with Professional Practice Guidance on Planning & Noise New Residential Development, May 2017.

** LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00. In relation to garden areas, where possible the desirable level of 50dB LAeq(16 hour) shall not be exceeded.

*** Justification shall be included in the noise impact assessment on the external LAFmax used to calculate the façade mitigation required and internal noise levels.

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

- Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.
- The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
- A plan identifying the proposed residential properties which require noise mitigation, and the noise mitigation measures to be installed.

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

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

REASON: In order to safeguard the amenities of the future impacts of the development.

41. Prior to or at the same time as a reserved matters application for the school development, a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The noise impact assessment shall consider the layout, orientation and design of the school development and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed sound insulation and mitigation in respect of:

- a) Protecting external areas of the school from excessive road traffic noise (having regard to Building Bulletin 93 (2003))
- b) The impact of noise on the proposed residential development(s) from external plant, machinery and equipment associated with the school development. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously, shall not exceed the daytime and night-time background sound level at any residential property when measured and assessed in accordance with BS4142 'Method for rating and assessing industrial and commercial sound' unless otherwise agreed in writing by the Local Planning Authority. The background sound level to be used in the BS4142 Assessment and noise sensitive receptors shall be agreed in writing with the Local Planning Authority.
- c) Minimising the impact of noise on the proposed residential development(s) from the use of music rooms, halls or equivalent noise generating facilities associated with the school development.
- d) Minimising the impact of noise from playgrounds, playing fields and/or sports pitches (having regard to intended frequency and pattern of usage).

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

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

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

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

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

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

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

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

EXTERNAL LIGHTING

44. For each phase of the development, a scheme and assessment relating to any proposed external lighting associated with that phase of the development undertaken by an independent qualified assessor, shall be submitted to the Local Planning Authority prior to installation unless the Local Planning Authority dispenses with the requirement specifically and in writing. This should include:

- a) Times of operation of the proposed lighting units.
- b) A description of the proposed lighting units including height, type, angling and power output for all lighting.
- c) Drawing(s)/contour plans showing the luminance levels (both horizontal and vertical) of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.
- d) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- e) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- f) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

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

CONSTRUCTION IMPACTS

45. Prior to the commencement of each phase of the development, a site-specific Construction Management Plan shall be submitted 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 construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
 - c) Details of any temporary construction access to the site including measures for removal following completion of construction works.
 - d) Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - e) The parking of contractors' site operatives and visitor's vehicles.
 - f) Areas for storage of plant and materials used in constructing the development clear of the highway.
 - g) Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
 - h) Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
 - i) Protection of carriageway and footway users at all times during demolition and construction.
 - j) Protection of contractors working adjacent to the highway.
 - k) Details of site working hours.
 - l) Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
 - m) Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
 - n) Measures to control and monitor construction noise.
 - o) An undertaking that there must be no burning of materials on site at any time during construction.
 - p) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - q) Details of the measures to be taken for the protection of trees.
 - r) Details of external lighting equipment.
 - s) Details of any ditches to be piped during the construction phases.
 - t) A detailed method statement and programme for the building works; and

- u) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON: In the interests of highway safety and to protect the amenity of the local area

- 46. Construction work for each phase of the development, including the use of plant and machinery (including generators) as well as deliveries to and from the site(s), shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON: To protect the amenity of the local area.

- 47. For each phase of the development, if piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To protect the amenity of the local area.

NOISE(COMMERCIAL UNIT)

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

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

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

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

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

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

LAND CONTAMINATION

51. Prior to the commencement of each phase of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination Risk Management LCRM) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023.

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023.

53. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023.

54. 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.

55. 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.

ECOLOGY

56. The development hereby approved shall not be carried out otherwise than in complete accordance with the Recommendations contained within Chapter 5 of the document entitled “Ecological Appraisal – Land to the North off Staindrop Road, Darlington” dated December 2021 and produced by FPCR Environment and Design unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of protecting habitats and biodiversity.

57. At each Reserved Matters stage, an updated DEFRA Metric shall be submitted to and approved in writing by the Local Planning Authority to ensure that the proposal achieves a net gain in accordance with the submitted Biodiversity Net Gain Assessment “Land North off Staindrop Road, Darlington” produced by Gladman dated October 2022 unless otherwise agreed in writing by the Local Planning Authority.

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

58. At Reserved Matters stage, an updated 30 year Biodiversity and Ecological Management for the whole development or each phase of the development 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.

59. The landscaping scheme submitted under condition 1 shall seek to include the following ecological principles:

- The Green Infrastructure corridor alongside the Baydale Beck should seek to significantly enhance the biodiversity value of this feature. Public access arrangements should reflect the importance of this feature as a wildlife corridor and the need to reduce disturbance of habitats along the Baydale Beck.
- The SUDs should incorporate retention basins/wetland habitat types as alternatives to detention basins. Retention features still have a drainage function but deliver far greater biodiversity gains. The use of conveyance features and rain gardens should be used throughout the development, integrated within Green Infrastructure and the development cells.
- The built environment should also provide opportunities for wildlife. Housing should provide nesting and roosting opportunities for bats, birds and invertebrates through the incorporation of built-in wildlife bricks that provide opportunities for a range of species. The range of species catered for should be expansive and approx. 30% of the houses should include some form of integrated nesting opportunities for wildlife.
- The use of flowering lawns rather than more intensively managed traditional amenity grasslands where considered appropriate.

- Green Infrastructure corridors should allow for a range of semi natural habitats, SUDs features and recreational opportunities to be included alongside access routes.

REASON: In the interest of protecting and enhancing habitats and biodiversity.

PLAY AREAS

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

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

BROADBAND CONNECTIVITY

61. Prior to the any commencement of development or any phase of the development, above damp proof course level, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing the measures necessary for providing broadband connectivity, including ducts, to each premises within the development hereby approved. The approved infrastructure shall be laid out in accordance with the details as approved at the same time as other services during the construction process and be available for use on the first occupation of each building and thereafter be so maintained for the lifetime of the development.

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.

GREEN INFRASTRUCTURE/LANDSCAPING

62. The landscaping details to be submitted in pursuance of Condition 1 shall include the provision of green infrastructure based on the formula contained within Policy ENV5 of the Darlington Local Plan 2016 - 2036. The types of green infrastructure shall include informal recreation space, wildlife friendly space, street trees, a robust boundary treatment along the western edge to distinguish between the main urban area and the countryside, enhancements of the existing green infrastructure and wildlife friendly network along the eastern boundary of the site and the Baydale Beck and improved connectivity with the Cocker Beck corridor and the River Tees. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the character and appearance of the proposed development and in order to have regard to Appendix B Housing Allocation Statement (Site 249 – Coniscliffe Park North) contained within the Darlington Local Plan 2016 – 2036.

63. The landscaping details agreed under condition 1 shall be shall be fully implemented concurrently with the carrying out of the development or each phase of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.
REASON - In the interests of the visual amenities of the area.

EDUCATION LAND

64. The land allocated for education purposes (approx. 1.83 hectares) and the associated playing fields as shown on the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_R) shall be retained for such purposes for a time period of ten years from the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

LOCAL STORE

65. The land allocated for local store (approx. 1.2 hectares) and the associated playing fields as shown on the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_R) shall be retained for such purposes for a time period of ten years from the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that land is allocated for such purposes in the event of a local store being required.
66. The local store hereby approved shall be used for purposes within Class E(a) and for no other purpose (including any other purpose in of the Schedule to 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).
REASON: In the interests of retail planning policy.

GP PRACTICE

67. The land allocated for a GP Surgery (approx. 0.37 hectares) and the associated playing fields as shown on the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_R) shall be retained for such purposes for a time period of ten years from the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that land is allocated for such purposes in the event of a GP Surgery being required.

SOILS

68. The development hereby approved shall be carried out having regard to the methods for safeguarding soil resources, the use and protection of soils in construction projects, including the movement and management of soil resources contained with "Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) produced by DEFRA and the British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.
REASON: In order to safeguard soil resources as part of the overall sustainability objectives of the development.

TREES

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

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

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

INFORMATIVES

Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from Darlington Borough Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place at the appropriate time.

Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Section 278/38 Agreement with the Local Highway Authority.

Delivery of off-site highway works.

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence and is likely to risk abortive works.

Street Naming and Numbering

It is recommended that 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.

Street Lighting Design

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

Traffic Regulation orders (Speed Limit)

The applicant is advised that contact be made with the Assistant Director : Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss amended speed limits within public highway and the introduction of New Traffic regulation Orders in connection to 20mph and 30mph speed limits within the development.

Projections over Footways

You are advised to ensure that any projection overhanging the footway is securely fixed and no part is less than 2.4 metres above the footway level and no closer than 0.5 metres to the edge of the carriageway.

wDoors and Windows Opening over the Highway

You are advised to ensure that any doors and windows on elevations of the building(s) adjacent to the existing and or proposed highway are constructed and installed such that they do not open over the public highway for a height of 2.4 metres from the level of the adjacent highway. Above 2.4 metres no part of an open door or window must come within 0.5 metres of the carriageway. Any future replacement doors and windows should also comply with these dimensions.

Lead Local Flood Authority

The Informative Comments will be attached to the decision notice.

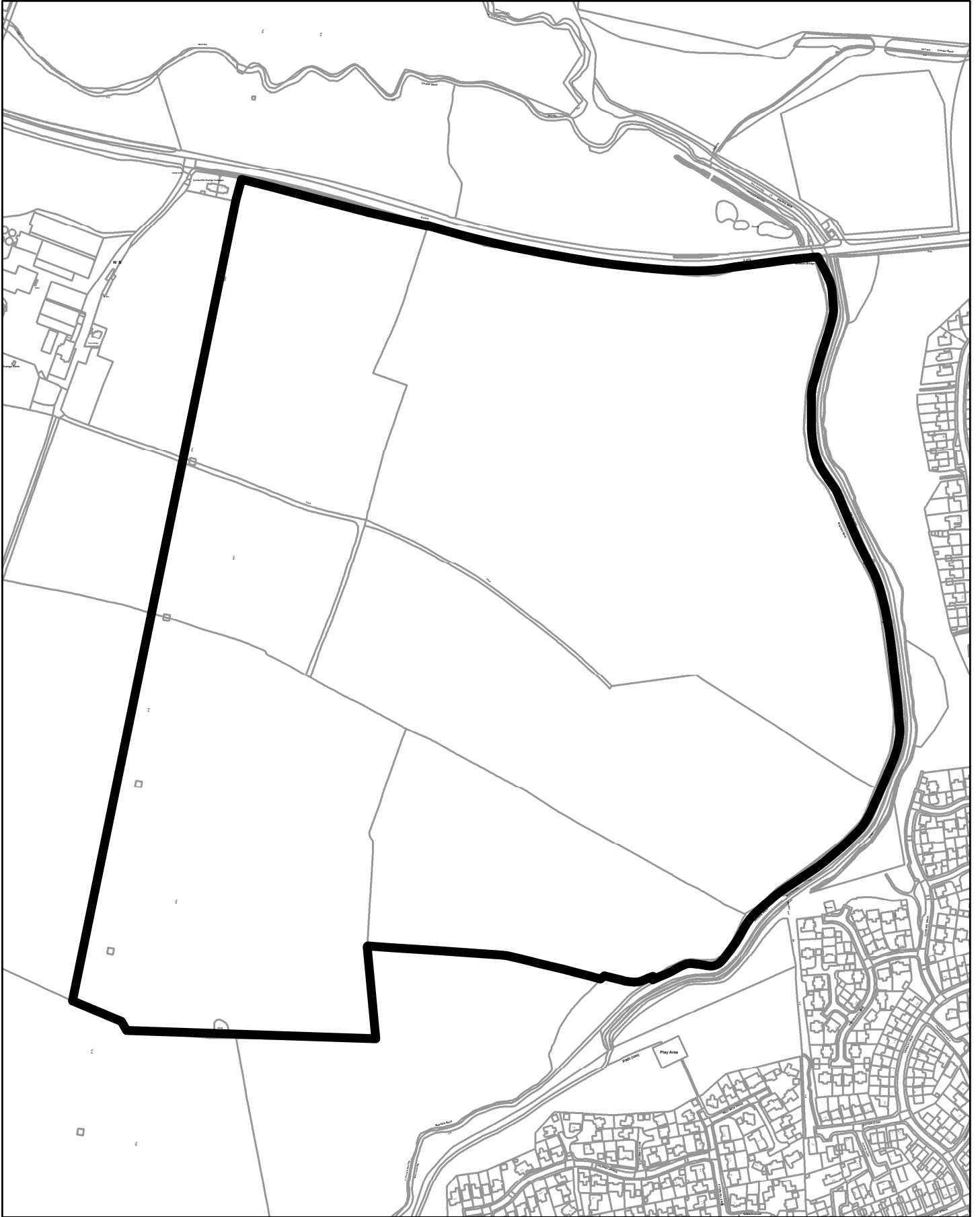
Environment Agency

The Informative Comments will be attached to the decision notice.

Northumbrian Water

The Informative comments will be attached to the decision notice.

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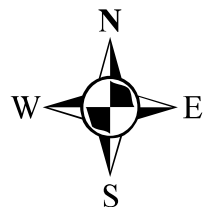


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DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO:	23/00782/FUL
STATUTORY DECISION DATE:	7 th November 2023
WARD/PARISH:	PARK WEST
LOCATION:	Site Of Former Blackwell Grange Golf Club (East) Carmel Road South Darlington
DESCRIPTION:	Residential development consisting of 44 No. dwellings, with associated access, landscaping, SUDS pond and infrastructure, demolition of agricultural building and the regeneration of Blackwell Grange historic parkland (Amended CMP received 30th August 2023, Additional information regarding Vibration received 30th August 2023) (Amended plans / additional information received 28th September and 2nd October 2023)
APPLICANT:	ESH HOMES

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972 TO ENSURE THAT THE DEVELOPER ENTERS INTO A SECTION 106 AGREEMENT AND THEN SUBJECT TO PLANNING 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=RZ2J6DFPKMZ00>

APPLICATION AND SITE DESCRIPTION

1. The application site is in the Blackwell area on the southwestern edge of the Urban Area. The site was formerly used as part of the Blackwell Grange golf course, a use which

ceased several years ago. To the north of the site is parkland originally associated with Blackwell Grange which is currently operated as a hotel and the building group associated with this is located further to the north. An area of residential development is located to Northeast. The site is adjoined by Carmel Road South to the West and Grange Road to the East with Bland's Corner to the immediate south. The site forms part of the grounds to the Grade II* Listed Blackwell Grange Hotel and Grade II Listed outbuildings. Part of the parkland, to the north of the proposed housing, is designated as Local Wildlife Site. The wider northern section beyond the proposed housing is also identified as Parkland and a Green Wedge in the Local Plan.

2. Planning permission is sought for the construction of 44no. dwellings (Use Class C3), including new access, SuDs ponds, landscaping, and demolition of an existing building. The proposal includes the following:

- The main access point from A67 Carmel Road South, with pedestrian footpaths providing access to the green space to the north of the site and to the cycle route to the west.
- Car parking is provided per plot, with House types 2, 5 and 6 benefiting from double integrated garages, whilst other properties utilise external double garages. All properties also have 2no external parking spaces on driveways, allowing total 4no. minimum parking bays per dwelling. In total there are 176No. parking bays provided on site.
- 44 dwellings, formed from 7 house-types of varying sizes and four different material palettes with a resulting mix of 28 different house varieties across the site.
- Properties are 2 to 2.5 storeys in height, with maximum eaves height at 5.4m and roof height. The 2.5-Storey properties utilise rooms in the roof, limiting the scale across the development with dropped eaves throughout to create a low-lying design. The development comprises of a mix of 22 x 4 bed dwellings, 12 x 5 bed dwellings and 10 x 6 bed dwellings.
- SUDs ponds to the northern and southern east boundary, providing areas of natural habitat and flora, retaining species on site, and providing a level of habitat replenishment.
- Several pedestrian links to the north and west, connecting residents to the adjacent parkland to the north of the site and to the cycle route to the west; including a 6m pedestrian boulevard dictated by a sewer easement and providing a footpath and cycle route through the grounds.
- A Pumping Station to the northern section of the site.
- Associated landscaping including a Landscape Buffer along the eastern and western boundaries, retaining numerous existing trees, and providing a buffer to the adjacent roads.
- Design that achieves reduced carbon emissions and incorporates energy efficiency measures and low carbon technologies including Use of air source heat pumps for the heating system, 125mm cavity fully filled with Eco bead insulation, PV panels installed to the roof of all plots, Electric vehicle chargers installed to every plot, 45-degree flow rate heating, Dual zone heating system, Smart control thermostats.

3. The planning application also includes regeneration of the Blackwell Grange Parkland, to provide an improved area of useable public open space. This element of the proposal includes.
 - Generation of enhanced grassland meadows.
 - Creation of a community orchard.
 - Expansion and enhancement of the existing pond.
 - Addition of extra parkland tree planting in key areas to enhance the existing areas.
 - Reinstatement and repairs to selected walls and railings enclosing the parkland as well as the addition of new pedestrian gates/entrances.
 - Interpretation boards/lecterns provided to key areas of the site.
 - Mown footpaths to be created providing informal walkways throughout the site.
 - Crushed stone footpath to be created to allow access from Blackwell Lane – Grange Road.
 - Installation of hedgehog hibernacula.
 - Installation of amphibian hibernacula.
 - Installation of bird and bat boxes and insect hotels.
 - Seats, litter bins and dog waste bins.

Planning Obligations

4. Under the provision of the planning application, there was a need for the Council as landowner to make a Cabinet resolution whereby it resolved to comply with the planning obligations relating to the development site pursuant to the planning permission. The resolution mirrored the wording of a Section 106 Agreement and the Council resolved to make the payments and comply with the onsite deliverables required in relation to the site. The resolution included that the Council would not dispose of the site without requiring the person to whom the land would be sold to enter into a Section 106 Agreement in the same terms as the cabinet resolution. This process was followed as the Council owns the application site and the Council, as landowner, cannot enter into a Section 106 Agreement with the Council, as local planning authority.
5. The applicant would enter into an agreement under Section 111 of the Local Government Act 1972, committing to entering into a Section 106 Agreement once they acquire the site. The applicant will then take on all the responsibilities under the Agreement.

Statement of Community Involvement

6. Whilst a formal Statement of Community Involvement has not been produced, both DBC Estates team and the applicant, have engaged with residents prior to, and during the application process, including meetings between the applicant and individual residents to discuss any concerns. The applicant has also stated their intention to engage with the community during construction works to ensure there is utmost clarity, should planning permission be granted.

MAIN PLANNING ISSUES

The relevant issues to be considered in the determination of this application are:

- (a) Principle of the proposed development
- (b) Impact on designated heritage assets.
- (c) Impact on non-designated heritage assets.
- (d) Impact on visual and residential amenity.
- (e) Highway safety and sustainable transport.
- (f) Flooding and Drainage.
- (g) Impact on ecology
- (h) Nutrient Neutrality.
- (i) Planning obligations
- (j) Other matters

PLANNING POLICIES

7. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15). The following policies are relevant in the determination of this application:

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

ENV1: Protecting, Enhancing & Promoting Darlington’s Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development’s Impact on Biodiversity

ENV9: Outdoor Sports Facilities

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN3: Transport Assessments and Travel Plans

IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure
IN10: Supporting the Delivery of Community and Social Infrastructure

Tees Valley Minerals and Waste Development Plan Documents (2011)

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

Design of New Development SPD (2011)

Planning Obligations SPD (2013)

RESULTS OF TECHNICAL CONSULTATION

8. No objections in principle have been raised by the Council's Highway Engineer, Transport Planning Officer and Environmental Health Officer, the Historic Environment Record Officer, Ecology Officer, Senior Arboricultural Officer or the Local Lead Flood Authority, subject to conditions. National Highways have raised no objections subject to a financial contribution towards the improvement of Bland's Corner Roundabout. The Council's Conservation Advisor has raised no objections. Northumbrian Water has raised no objections subject to a condition. Historic England has made no comments on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

9. 120 letters from residents have been received in total. Some individual letters included both points of support and objection. For the purposes of this report, where a letter contained any objection, it was categorised as an objection even if there were elements of support within it. 109 letters were categorised as objections, and 11 were categorised as letters of support.
10. The points raised in support of the proposal are:
- Parkland regeneration is welcomed.
 - Parkland regeneration should be kept as natural as possible.
 - Support re-opening of the existing gateway at the top of the parkland on Blackwell Lane nearest to Manor Road.
 - Support for buffer zone to the north of the new housing with the parkland to protect privacy.
 - Support for planting of new trees for future generations.
 - Support for management proposals.
11. The concerns raised as objections to the proposal are:
- Contrary to the Local Plan.
 - Additional housing is not required.
 - Loss of greenspace / parkland; Green corridor approach to Darlington.
 - Land used for recreation and community events.

- Flood Risk; Concerns regarding drainage.
 - Extra strain on current water and sewage infrastructure in the area.
 - Risk to structural integrity of existing and proposed buildings, subsidence risk.
 - Impact on wildlife; Local Wildlife site; Loss of biodiversity; Discrepancies in BNG metric.
 - Impact on heritage assets (Blackwell Grange Hotel).
 - Impact on non-designated heritage assets (archaeology).
 - Concerns regarding demolition of stone carriage building; Should be retained as a community asset.
 - Highway and pedestrian safety; Concerns regarding pedestrian access points to Parkland on Grange Road and Blackwell Lane; Unsafe access; Increase in traffic; No assessment of pedestrian risk of crossing from the new access points.
 - All new gateways should be pedestrian only; Failure of scheme to provide footway connectivity on Carmel Road South and Grange Road.
 - Concerns regarding people parking on Blackwell Lane; Visitors to parkland will exacerbate existing parking problems; Parking restrictions required.
 - Bus services nearby are poor, developer should contribute to cycle track along Grange Road into town to encourage sustainable travel.
 - Insufficient parking provision; Insufficient provision for charging of electric vehicles.
 - Density of housing; Insufficient parking provision for visitors to the parkland.
 - Impact on visual amenity; poor design, appearance, materials on approach to Darlington; Concerns regarding scale of buildings; Not in accordance with Local Plan.
 - Impact of proposed play area on residential amenity.
 - Concerns regarding formal paths on parkland.
 - Residents would be subjected to noise, fumes and dust from Bland's corner roundabout, Impact on residents of the Spinney due to proximity of new dwellings.
 - Insufficient provision made to enable disabled people to access the town centre or other amenities.
 - Loss of and impact on trees; Concerns regarding accuracy of tree report; Discrepancy between constraints report and final layout.
 - Should be a plan for maintenance of trees.
 - Insufficient provision for affordable housing.
 - Concerns regarding the introduction of a hard path in the parkland.
 - Concerns regarding existing shortage of services, NHS, dentists, school places.
 - Concerns regarding crime and vandalism.
 - Increased pollution and impact on air quality.
 - Development of site 403 would reduce area of the parkland with a consequent impact on Health and Wellbeing benefits.
 - Noise and disturbance during construction.
 - Concerns regarding inputs into nitrate calculations / nutrient neutrality assessment.
 - Concerns regarding use of weedkiller on the golf course over recent weeks.
 - Object to improved grassland.
12. In addition to the above a letter has been received from a housebuilder seeking confirmation that the proposed access and associated S278 works, will not prejudice

the delivery of Bland's corner highway improvements as set out in the Infrastructure Delivery Plan. The works are integral to the delivery of the local plan, and as such are of primary importance to both DBC Highways and National Highways. The proposed Blackwell development is not prejudicial to the delivery of these works, and the developer will also be required to make a financial contribution towards the cost of infrastructure delivery.

13. One objection has raised concerns that Historic England have declined to comment on the application when they have in the past had input into other planning applications with heritage aspects. Whilst the organisation was consulted, it is their decision as to what level of involvement, if at all, they would have on a particular application. Nevertheless, in this case, the Council has sought advice from a conservation specialist as part of the determination process.
14. Several objections have raised concerns regarding impact on value of existing housing. This is not a material planning consideration and cannot be considered in the determination of this planning application.
15. Several objections have raised concerns regarding weedkilling that has taken place within the parkland in recent weeks. The weed killer was applied by the applicant in preparation for the species rich enhanced grassland as part of the parkland restoration. The purpose was to ready the area for seeded mixes to be sown, which was carried out at this time of year. Whilst the applicant has been made aware of the concerns raised, particularly in respect of signage to prevent owners from allowing pets onto the affected areas, planning permission is not required for these works. As above, this issue cannot be taken into account in the determination of the planning application.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

16. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. It expects these to be delivered as per the housing trajectory at appendix A of the Local Plan.
17. Policy H2 of the Local Plan allocates this site (403 – Blackwell Grange East) for housing development which will contribute towards meeting the Boroughs quantitative and qualitative need for housing over the plan period. It outlines a yield for indicative purposes only of 72 homes for the site, all of which are anticipated to be delivered during the plan period.
18. Policy H3 seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of Darlington; therefore, the proposal accords with policy H3.

19. This proposal is therefore in principle compliant with the locational requirements established in Policies H2 and H3 of the Local Plan (2016 - 2036) as it is a site allocation and is located within development limits. Whilst the proposal is being brought forward for a number of dwellings significantly less than the yield of 72 in Policy H2 the yield in the policy is only indicative and prior to detailed technical works being undertaken. This site does have a range of constraints such as a water main easement through the centre of it and its proximity to the Local Wildlife Site, Green Wedge, Parkland and Listed Buildings. These constraints have informed the scale and layout of the proposed development along with the provision of larger properties which is reflective of the local context.

Housing Mix

20. Policy H4 of the Local Plan states that proposals for housing development will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs as identified within the most up to date Strategic Housing Market Assessment or other relevant evidence. A suitable housing mix should also consider a site's location, physical constraints, character and surrounding context.
21. The Council's latest SHMA (2020) evidence suggests an overall housing mix of 6.5% - 1 Bed, 32% - 2 Bed, 50% - 3 Bed and 11% 4 Bed +. The scheme proposes 16 no. 4 bed dwellings (36.3%), 23 no. 5 bed dwellings (52.3%) and 5 no. 6 bed dwellings (11.4%) of 7 different house types. The mix proposed does not align with the percentages sought in the SHMA and a significantly greater number of larger dwellings are proposed. However, this site is in a sensitive location in terms of its proximity to the historic parkland and Blackwell Grange and associated listed buildings and therefore the character of the development has to reflect its surrounding context which is predominantly larger detached or semi-detached properties. In addition, any proposal on this site is required to restore the remaining parkland area so any development needs to maximise its revenue to ensure this can be realised. This site is also relatively small scale compared to the other allocations in the Local Plan so it is unlikely to mean that the required housing mix will still not be achieved overall.
22. Policy H4 requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. At this time the Council will only be requesting the M4(3) a, wheelchair adaptable standard. The planning statement submitted sets out that all homes on the site will achieve M4(2) standards which is welcomed, and the applicant has now provided amended plans to show that the Austin House Type will achieve M4(3)a standard which constitutes just under 16%, exceeding the 9% requirement. The standards will need to be secured through an appropriate condition, which is set out at the end of this report. They will assist in meeting the housing needs of older people and those with disabilities in the local area as identified in the SHMA (2020).

23. Policy H5 requires proposals in the Park West Ward to provide 30% affordable housing, of which, 65% for affordable rent and 30% for affordable home ownership. The Council's First Homes Policy Position Statement (2022) also sets out a requirement that 25% of affordable homes secured should be delivered as First Homes. This would make up a proportion of the affordable home ownership tenure split. Policy H5 states that affordable housing should normally be provided on-site alongside market housing to provide balanced communities but does establish exceptions to this including any other circumstances where the Council considers off-site provision preferable to on-site provision. The applicant has acknowledged affordable housing is required and is proposing to provide this in the form of an off-site contribution. The applicant has provided a statement which sets out a range of factors that have informed the rationale for an off-site provision including the following:
- Esh has been in consultation with two prominent registered providers (Believe Housing and Home Group) to seek their views on acquiring any potential affordable dwellings on the site. The information provided by these parties demonstrates that there is no market for affordable dwellings at this location.
 - The executive character, design, low density provision of detached dwellings set in large private gardens, does not lend itself to affordable provision on-site, which would comprise smaller house types.
 - The provision of affordable dwellings on the site, would have a negative impact on sales prices. The negative impact would affect the level of specification for the parkland restoration which could be afforded, in turn having a detrimental impact on the creation of a high-quality residential environment. The restoration of the parkland is a key requirement of the development.
 - Due to the executive nature of the scheme and location, the proposed elevations and specification, which will significantly increase build cost. These have been applied to complement the character of existing dwellings and landscape. However, applying the same elevations to affordable and intermediate tenure dwellings would result in an increase in build cost to what can be obtained by the sale of the dwelling to a Registered Provider. The level of discounting of any plots for affordable home ownership (shared ownership, discount market value and first homes) under an intermediate style scheme these will still be unaffordable for a first-time buyer.
 - An offsite contribution would enable a proportion of homes to be constructed by Darlington Borough Council for future schemes in their pipeline across the borough for sites which provide affordable housing.
24. On the basis of the information provided it has now been demonstrated in accordance with part c of Policy H5 that in this case off-site affordable housing contribution will be preferable to on-site provision on this occasion. The sum to be provided shall be equal to the difference between the open market valuation of the affordable units which would have been provided on-site and the purchase price that the Registered Provider would have been willing to pay for these units i.e., transfer price.
25. The above contribution is discussed further in the Planning Obligations section of this report.

26. In view of the above, the proposal is considered to be acceptable in principle subject to consideration of the detail against other relevant policies.

b) Impact on designated heritage assets

Impact on the setting of Listed Buildings

27. The site is part of the grounds of Blackwell Grange Hotel which is located to the northern end and is a grade II* listed Building, with associated listed outbuildings. The current application proposes 44 dwellings and does not occupy the full site allocation with the remainder of the application site being restoration of the parkland.
28. Specific Heritage Issues and requirements identified as part of the local plan site allocation include the following:
- a. The site forms part of the grounds to the Grade II* listed Blackwell Grange Hotel (and Grade II listed outbuildings). Development should protect the setting of the Grade II* listed Blackwell Grange and its parkland curtilage. Proposals should be informed by the recommendations of the Heritage Impact Assessment (2020). There is the potential to better reveal the approach to Blackwell Grange along the historic drive from Grange Road.
 - b. A development scheme would need to restore the remaining parkland area to the Grade II* Listed Building, undertake an ecological survey and propose adequate mitigation for any impact on the adjacent Local Wildlife Site-.
 - c. Any development will be required to be of the highest quality, ensuring it is low lying, wooded in character including the planting of a perimeter tree canopy and creative and innovative in design.
 - d. There are a number of TPO trees/groups on the site. Some form a strong continuous tree belt along the boundaries with the highway. There are also a number of single TPO trees across the site. The trees should be retained and maintained.
29. When looking to allocate the land for development within the Councils Local Plan, a heritage impact assessment (HIA) was prepared to consider the impacts of development on neighbouring heritage assets and this assessment along with its recommendations has also been considered. It is noted that the allocation requires proposals to be 'informed' by the recommendations of that heritage assessment (2020). Whilst there are no particular recommendations set out within this HIA this refers to the report as a whole for the purposes of the policy.
30. With regards to the development potential of the site and the heritage implications through the allocation process this concluded that: any potential development will have some impact to the setting and significance of Blackwell Grange. However, it considered that with consideration to the layout, design and landscaping potential harm by development can be sufficiently mitigated against. The site was subsequently allocated.

31. In terms of the area proposed for housing, as identified in the Heritage Statement submitted in support of the application, there is no significant intervisibility between the Grade II* listed Grange building and the site, nor with any other designated heritage asset and so no harm to the setting of designated heritage assets has been identified in terms of the construction of 44 dwellings to the southern end of the wider site. In addition, it is noted that the design, layout and architectural style of the buildings is informed by a character appraisal.
32. It is noted that there is a wide variety of housing ages and types within the vicinity of the site. Whilst in general the housing proposed are large, detached properties, it is considered that the mix of house styles and forms which have arts and crafts elements create interest and a suitable mix in design. These are not standard house types and at two storeys in height are considered to comply with the requirements of part C of the allocation requirement in respect of their low-lying nature. In addition, the planting proposed to the north boundary and the setting in of built development from the site boundary will ensure an appropriate landscape buffer and transition between the parkland and housing, creating screening and reducing any intervisibility.
33. The existing tree planting and landscaping shelter belts that surrounds the site are to be retained and reinforced with new planting with new connections from the site to the parkland to the north. The parkland proposals include the intention to interpret areas within the landscape including the former icehouse and Mill Lane which will enable the parkland setting to be better understood and the heritage values to be communicated to the public. Details of the interpretation boards can be secured by a suitably worded planning condition.
34. The landscape strategy also notes that there is the intention to repair elements of the boundary wall in accordance with details of a BGP report dated July 2023, and this is considered in more detail in section c) of this report.
35. The submitted HIA makes reference to the storage of stonework in the site (para 4.28), which originates from the Bishop of Durham's Manor House at Feethams by the River Skerne in central Darlington. The stonework was apparently excavated in 2012 prior to the construction of the DfE offices and river side park. Whilst this is not part of the heritage value of the wider site, opportunities perhaps exist for this to be reused as part of the wider landscaping/development proposals for the site. There is a risk that this may be lost during construction and therefore the developer has indicated that the intention is for this to be re-used to create seating throughout the parkland.
36. It should be noted that the application proposes to use 2 metres high timber acoustic fences for the rear boundaries backing on to Carmel Road South and Grange Road. This will be screened from the roads to some degree during the summer months by the retained and enhanced native planting but will be highly visible during the winter months and is not considered an acceptable form of boundary treatment in this sensitive historic location. Brick walls will be a more sensitive and appropriate boundary treatment in these locations. This site is located on one of the main routes in and out of

Darlington in a sensitive and characterful location and this modern domestic form of enclosure would be completely at odds with this parkland location. It is also in conflict with parts ai to aiii of Policy DC1 which requires proposals to reflect the local environment, respond positively. In this regard, this element of the proposal is not considered acceptable, and a suitably worded planning condition should be attached to any approval to require submission and agreement of boundary treatment prior to occupation.

37. Overall, it is considered that any potential harm to heritage assets has been sufficiently mitigated by retention of the majority of trees on the site together with significant landscaping both within the housing site and in the restoration works to the parkland, together with the proposed sensitive design and layout of the development. Boundary treatment can be agreed by condition to ensure that it is appropriate in this sensitive historic location and meets other necessary requirements in terms of amenity.
38. The scheme would bring the economic and social benefits of increased housing provision, delivery of an allocated housing site along with additional heritage benefits in respect of investment into the landscaped parkland. In this respect the proposal is considered to comply with policies DC1, ENV1 and H3 in this regard. Further consideration on the design and visual elements of the proposal as well as proposed landscaping, is considered elsewhere in this report.

c) Impact on non-designated heritage assets

Archaeology

39. An Archaeological Evaluation (Report 5865, ASDU, November 2022) together with a Geophysical Survey (Report 5829, ASDU, September 2022) was submitted in support of the application. This work found no significant archaeological remains and the Historic Environment Record Officer has confirmed that no further work is required. The proposal complies with policy ENV1 in this regard.

Repairs to wall

40. The historic walls forming part of the boundary of the wider site are important to the overall parkland setting of Blackwell Grange and its historic context. Along with the verdant boundaries and post and rail sections of fencing. The main feature of the site is the heavily treed parkland boundary particularly to the northwest and the east of the site and the areas around the entrance area to the hotel.
41. A detailed condition report and update report has been prepared by BGP alongside a programme of recommended repair work.
42. It is noted that combined the boundary walls, tree lined boundary as well as areas of planting collectively contribute to the overall character and setting of the parkland.

43. The works to the external walled boundaries are not affected by the housing development per se, but form part of the wider package of works to restore the landscape parkland. As such these works will potentially be phased and the reports identify areas of work that are needing to be undertaken for stability reasons and to prevent further deterioration, alongside more general, maintenance and repairs. The report makes several recommendations based on the overall wall conditions and due to the extent of the wall breaks these works down by particular areas.
44. Each area then has a suggested programme of works depended on the condition of the wall and the extent of repair works required. Generally, the Council's Conservation Advisor agrees with the conclusions in the report for those specific areas and the extent of works identified to each section of wall.
45. There are general recommendations within the report such as tree clearance within 0.5m of the wall, removal of all ivy etc which is understandably advised from a structural point of view to allow access and clearance for rebuilding/repairs and also for long term maintenance. However, collectively these informal sections of landscaping combined with the walls add interest to the site boundaries. Large scale removal of associated planting/ivy self-seeded trees and bushes could cumulatively have a transformative impact in respect of the landscaping around the parkland boundary. Therefore, any impacts on repairs to the wall must be balanced alongside the impacts on trees and associated landscape features.
46. The extent of works to the walls therefore should be one of a conservative approach to maintenance/repair and rebuilding is employed to the works. To both ensure retention of historic fabric and ensure that the adjacent areas of landscaping are retained or reinforced/replanted following removal to facilitate the works to conserve that combined character.
47. Depending on the timing of the works, there may also be the need to revisit condition and extent of works required (alongside any impacts on landscaping and ecology), therefore the Council's Conservation Advisor has recommended an appropriately worded phasing condition to cover such eventualities, and subject to this raises no objections due to the long-term maintenance and repair of the walls being of benefit to the setting of the wider heritage asset and therefore conserving its setting and significance.

Loss of 'coach house' / agricultural building

48. The HIA carried out as part of the allocation made specific references at that time including retention and reuse of the 'coach house' agricultural building. The building is identified by the submission HIA (Archoa Environment limited) as dating from approximately 1855-96 and noted to be a former agricultural building. As set out above it is noted that the allocation requires proposals to be 'informed' by the recommendations of that heritage assessment (2020). Whilst there are no particular recommendations set out within this HIA this refers to the report as a whole for the purposes of the policy.

49. The loss of this building would result in the loss of historic fabric although this building is undesignated directly lying within the grounds of the wider estate it has collective interest. It is considered the loss of the building would be at the lower end of less than substantial harm. The applicants Heritage Statement sets out:

'The development will result in the loss of a late 19th century agricultural building, but this is fire damaged and much altered and only a part of a small complex of associated buildings the other elements of which were demolished some time ago'.

50. The applicant has also provided detailed information as to the significance of the building and its conclusions include the following points:

- The building has Limited artistic interest due to the design of its north elevation and re-use of historic stone fragments which have been noted and appreciated by the public in recent years.
- Later alterations to metal doors, the removal of windows and carpentry and insertion of internal mezzanine etc are of no architectural interest and have reduced the architectural interest of the building. The loss of the remainder of the farm group demolished in the 1970s further reduces its architectural interest. There are no identified designed views of the building. It can fleetingly be seen from Carmel Road next to which it was built most likely for purely functional reasons. Other views are mostly concealed by mature tree growth. There is no view to or from Blackwell Grange
- The building's use as part of the 20th c golf course, and more recent awareness in the last decade as part of the historic landscape around Blackwell Grange provides limited communal historic interest.

51. The applicant has acknowledged the history of the building and has indicated that the art stone feature to the central front elevation of the building will be used as part of the entrance feature, while the winged wall approach to the entrance will be constructed of the reclaimed stone from the building.

52. The resulting impact of harm tests set out in paragraph 202 of the NPPF require any resulting harm to the significance of a designated heritage asset to be weighed against the public benefits of a proposal and the resulting impacts of the loss of a non-designated heritage asset to be taken into account when determining an application.

53. The wider scheme would bring the economic and social benefits of increased housing provision, delivery of an allocated housing site along with additional heritage benefits in respect of investment into the landscaped parkland. In this respect, the loss of this historic structure is considered to be offset by the balanced approach set out in paragraphs 202 and 203 of the NPPF and the associated wider public benefits that the development would bring.

54. In the context of the above the building is of limited heritage significance and whilst the agricultural building will be lost as part of the development, this will allow the optimum viable use of the site and is compensated for by further public benefits through the substantial heritage benefits on-site planting and boundary restoration and through the restoration and management of the parkland. The Council's Conservation Advisor has raised no objections to the demolition of this building, subject to a condition to require a suitable building recording should take place to enhance the Historic Environment Record. A level 2 is likely to be sufficient based on the guidance of Historic England Understanding Historic Buildings, Good Recording Practice.

d) Impact on Visual and Residential Amenity

Design, Layout and appearance (including proposed landscaping)

55. As considered above, the mix, scale, design and appearance of the proposed dwellings, is considered acceptable in the context of the site and the local area and comply with the requirements of the allocation statement. The layout and disposition of dwellings is acceptable, with sufficient space between dwellings, off-set from site boundaries and inward facing, set within small clusters around the internal estate roads with use of shared spaces, creating a varied street scene. Additionally, the planting proposed to the north boundary and setting in of the built development from the site boundary will ensure an appropriate landscape buffer and transition between the parkland and housing, creating effective screening and reducing any intervisibility.

56. External materials are to consist of bricks in varying mixes of red, roofs finished with grey concrete interlocking tiles with black composite fascia's, soffits, and barge boards and black UPVC gutters and downpipes, coloured oak composite front doors in conservation green, anthracite grey and golden oak and UPVC windows in varying colours to match or complement the doors. Contrasting bricks or alternatively Art stone details are used on two house types as string courses, window heads, quoins, cills and gable details. White render links to examples in the local area and is used sparingly as gable details. Concrete tile cladding is also utilised over certain gables, which reflects typical 1930s details in the local surrounding area around the development location. Windows are traditionally proportioned with a vertical emphasis. Glazing bar details link to the arts & crafts period and reflect local examples such as Blackwell Grange Hotel. Bays, across some house-types, are flat roofed, and create an alternative focal point on larger properties.

57. The development site contains a series of open spaces, including two suds ponds, a central boulevard, clusters of trees and an ecological junction to the north between the site and the wider parkland.

58. Boundary treatments within the site consist of a mixture of 1200mm high iron racecourse railings to fronts, 750mm brick walls around roadways incorporating native hedgerow species at key points across the site. 1.8m High timber fences separate

between rear gardens, retaining privacy between homes, and a 2m high brick wall is utilised where these boundaries meet the street frontage, tying into the development.

59. As indicated in section c) of this report, it should be noted that the application proposes to use 2 metres high timber acoustic fences for the rear boundaries backing on to Carmel Road South and Grange Road. This will be screened from the roads to some degree during the summer months by the retained and enhanced native planting but will be highly visible during the winter months and is not considered an acceptable form of boundary treatment in this sensitive historic location. Brick walls will be a more sensitive and appropriate boundary treatment in these locations. This site is located on one of the main routes in and out of Darlington in a sensitive and characterful location which this modern domestic form of enclosure would be completely at odds with in this parkland location. It is also in conflict with parts ai to aiii of Policy DC1 which requires proposals to reflect the local environment, respond positively. In this regard, this element of the proposal is not considered acceptable, and a suitably worded planning condition should be attached to any approval to require submission and agreement of boundary treatment prior to occupation.
60. The existing tree planting and landscaping shelter belts that surrounds the site are to be retained and reinforced with new planting with new connections from the site to the parkland to the north. The development retains the openness and green infrastructure functions of green wedges and retains the special landscape, heritage and ecological qualities of Blackwell Grange parkland through its restoration, which complies with Policy ENV3. It also complies with policy ENV4 in terms of enhancing and creating green links between green and blue infrastructure features. Consideration regarding direct impact on trees is considered below.
61. The wider parkland restoration includes generation of enhanced grassland meadows, creation of a community orchard, the expansion and enhancement of the existing pond, addition of extra parkland tree planting in key areas to enhance the existing areas and the installation of ecological features including hedgehog and amphibian hibernacula, bat and bird boxes and insect hotels. The restoration includes reinstatement and repairs to selected walls and railings enclosing the parkland as considered above as well as the addition of new pedestrian gates/entrances.
62. The parkland restoration also contains key links across the site between Grange Road and Blackwell Lane in the form of a crushed stone footway and mown footpaths providing informal walkways throughout the site. Street furniture in the form of seats, litter bins and dog waste bins are also provided in convenient locations throughout the site.
63. Policy ENV5 of the Local Plan (2016 - 2036) requires developments of over 20 dwellings to deliver new green infrastructure to meet the additional need generated by the proposal subject to the quantity, quality or accessibility of existing provision. ENV5 also requires measures to be put in place to secure the long-term maintenance of green infrastructure and open space facilities that are provided. The proposal, through the

restoration of the parkland, provides significant public open space and this is considered to reflect the requirements of this policy.

Impact on trees

64. Criteria d of the allocation statement states that there are a number of TPO trees/groups on the site and some form a strong continuous tree belt along the boundaries with the highway along with a number of single TPO trees across the site. It states these trees should be retained and maintained. The proposal retains a significant number of trees and tree groups within the layout.
65. Criteria C of the allocation statement also requires development to be wooded in character including the planting of a perimeter tree canopy. The plans demonstrate that a perimeter tree canopy will be provided, and the development would be wooded in character through the retention of existing trees and the planting of additional trees throughout the development and along streets which should enable the development to follow the distinctive wooded character that the west end of Darlington already possesses.
66. A Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan were submitted in support of the application. The details demonstrate that of a total of 1375 overall trees, 115 would be removed. These would comprise, 3 No. trees defined as being in the A1 category, 38 No. trees defined as being in the B Category, 65 trees defined as being in the C category and 9 trees not falling within either of those categories (unclassified). To accommodate the required visibility at site access, this would involve the removal of some 21 trees, and of those trees, one is categorised as being in A1 condition (tree 424, Oak) a tree that was identified as having Ivy on the stem, restricted visibility and its crown form suppressed.
67. The total loss of trees required to carry out the development comprises some 8% of the total trees currently within the site, and the development proposes the planting of 149 trees within the housing and parkland site. Whilst the loss of trees is acknowledged, weight is given to the compliance with the allocation statement in terms of the retention of significant belts of trees along boundaries that define the character of the area, and the achievement of a scheme that is wooded in character, and the significant mitigation provided by compensatory planting and enhancement through additional planting.
68. The Council's Senior Arboricultural Officer has raised some concerns regarding trees on the periphery of the site adjacent to dwellings potentially becoming threatened due to loss of sun light in rear gardens and dwellings, however he acknowledges that this is not backed up by evidence. Overall, he considers the conclusions and recommendations of the submitted reports to be sound and raises no objections subject to compliance with the recommendations of the report in terms of protection of trees during the construction process. This can be secured by a suitably worded planning condition.

Subject to this, the proposal is considered to comply with policies DC1, DC3, H2 and ENV3 in this regard.

Residential amenity general

69. The existing residential properties that share a boundary with the proposed residential element of the proposal are 7 and 8 The Spinney. The proposed dwellings are in accordance with the recommended privacy distances as set out in the Design of New Development Supplementary Planning Document at some 30 metres rear elevation to rear elevation (plots 37 and 38 to nos. 7 and 8 The Spinney) and some 23 metres from the side elevation of plot 39 and the rear elevation of No. 7 The Spinney.
70. Internally within the development, the proposed new dwellings are laid out in such a way as to provide adequate privacy and amenity for the residents of the proposed scheme, again in accord with the thresholds set out within the SPD.
71. Objections were raised in terms of the impact of the proposed playarea on the residential amenity of existing residents of Grangeside. Although the proposed play equipment was some distance from the boundaries of these properties, this concern has been noted and the playarea has been removed from the scheme to ensure no loss of amenity for existing residents and given that such existing facilities are available in the local area.

Construction Management Plan

72. The applicant has submitted a suite of documents which comprise a Construction Management Plan, including the following documents.
 - Dust Mitigation/Assessment Report, Homes by Esh
 - Construction Management Plan Drawing Number BWG-CMP-001 Revision G dated 07.11.2023, Homes by Esh
 - Noise at Work (Reference ECP024, Issue: 1, Revision O), Homes by Esh
 - Wheel Washing Safety Method Statement, Homes by Esh dated 02.11.2023.
73. The Environmental Health Officer is satisfied with the documents submitted and has recommended a condition that the development is carried out in accordance with these together with a condition restricting hours of construction / demolition activities and deliveries. Details have also been submitted to illustrate the proposed piling, including confirmation of which plots will be piled (plots 1, 2 (including garage), and 40) and that vibration monitoring is to be carried out throughout the works and this is considered to be acceptable subject to a condition requiring that any changes to the proposed piling should be agreed with the Local Planning Authority.

Noise

74. A Noise Assessment Report dated July 2023 by njd Environmental Associates ref NJD22-0116-001R V2 has been submitted with the planning application. Noise measurements

were taken at two locations ML1 adjacent to Carmel Road South and ML2 Grange Road (A167). Noise monitoring took place at each location for a 24hr period mid-week in September 2022. Calculations have been carried out using CAdnaA noise modelling software to determine internal and external noise levels at the proposed residential properties.

75. The internal ambient day-time level of 35dB LAeq,16h inside living room and bedrooms and internal ambient night-time level of 30dB LAeq,8h and 45dB LMax inside bedrooms contained within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' will be achieved for the majority of properties with a window open. However certain plots on the western, eastern and southern perimeters with a line of sight to the roads will require enhanced glazing and acoustic ventilation to achieve these internal ambient levels as detailed in Figure 4 in the Noise Assessment Report. The mitigation measures proposed are detailed in Section 7 of the report.
76. Gardens facing towards Grange Road and Carmel Road South, respectively are proposed to have a 2.0m high acoustic fence installed around the perimeter of the garden. The location of this fencing is also shown in Figure 4. The acoustic fencing proposed will be close-boarded, with no gaps and have a minimum superficial mass of 12kg/m². It is noted that the details of this boundary treatment may be subject to change pursuant to the boundary treatment condition referenced elsewhere in this report for visual amenity reasons, however this can be controlled by a suitably worded planning condition.
77. An acoustic design statement has been produced to support the noise assessment which acknowledges that there have been inherent layout constraints and due to these constraints not all bedrooms can be located on the screened side of the plot or located any further from the roads without compromising other aspects of the development. As a result, internal guidance levels cannot be achieved with windows open, and the report acknowledges to which the Environmental Health Officer agrees that this is common for sites adjacent to transportation noise sources.
78. The proposed mitigation for the site has been based on the most exposed plots i.e. those within close proximity to Grange Road (A167) and requires the installation of glazing Rw + Ctr 29dB e.g 6/12/4mm and acoustic ventilation Dnew + Ctr 39 dB e.g Greenwood EAR42W to ground floor and first floor living rooms /bedrooms, on selected facades within the western, southern and eastern areas of the site with the applicable elevation marked on a plot by plot basis in Figure 4 and 5 in the Noise Assessment Report.
79. A separate noise impact assessment has considered the cumulative noise effect of the air source heat pumps (ASHP) at the proposed dwellings during both the daytime and night-time periods assuming all ASHPs are in operation as a worse case. This is documented in njd Environmental Associates Air Source Heat Pumps – Noise 17/00181/FUL July 2023 ref: NJD22-0116-003 which concludes that internal noise levels can be achieved during both daytime and night-time periods, with windows open and is

considered to be below the Lowest Observed Adverse Effect Level (LOAEL) Noise Policy Statement for England.

80. Further to queries from the Environmental Health Officer, façade mitigation has now been added to plot 11 on the ground floor and the noise impact assessment has been updated to reflect this. The Environmental Health Officer has raised no objections subject to a condition requiring implementation of the mitigation measures (unless agreed otherwise on discharge of the boundary treatment condition outlined in elsewhere in this report).

Land contamination

81. A Phase 1 Geoenvironmental Appraisal, Phase 2 Geoenvironmental Appraisal, Ground Gas Assessment and Remediation Strategy produced by Coast Consulting Engineers have been submitted to support the planning application. The desk study shows that the proposed development site has not been subject to any former contaminative uses and is largely undeveloped more recently being a golf course and before that parkland. There is a small storage building and compound to the west of the site which is also the site of former buildings.
82. The Phase 2 Geoenvironmental Appraisal dated 4 November 2022 Report Ref: 22093-02 Revision B details the site investigation works undertaken which involved the excavation of 19 trial pits to obtain soil samples for analysis and the installation of 5 gas monitoring boreholes. Information on the investigation rationale has been included within the reporting with 3 trial pits (TP17 – TP19) targeted to the western boundary the location of the compound. As expected, made ground up to a maximum depth of 1.3m was found in the location of TP17 -TP19 but no significant contamination was observed during the investigation.
83. Samples from across the site were taken for analysis which were screened against the LQM/CIEH suitable for use levels and for lead Defra C4SL. Two samples taken exceeded screening criteria (exceedance of Benzo(a)pyrene, Benzo(b)fluoranthene and Dibenz(ah)anthracene recorded within the topsoil TP01 at 0.1m and lead (209 mg/kg) in TP19. All 14 samples were screened for asbestos and no asbestos containing material detected. I agree that the contamination found near surface in TP01 is likely to be associated with the use of this area as a trackway for the former golf course.
84. The conceptual model assessing risk from potential pollutant linkages concludes that the site is of low risk but that mitigation measures will be required to prevent end users encountering the made ground and to break the pollutant linkages.
85. The Ground Gas Assessment letter addendum report dated 16 January 2023 Ref: 22093-03 concludes the site is of low risk from ground gas Characteristic Situation 1 (CS1) and no gas protection measures are required to the dwellings.

86. The Remediation Strategy dated 16 January 2023 Report No 220932-04 details the remediation work required to break potential pollutant linkages and recommends that the most pragmatic approach will be to remove and dispose off-site the identified localised contamination at TP01. Validation testing is to take place to confirm the cleanliness of the remaining soils in this area. The made ground within the existing compound was found to contain marginally elevated concentrations of lead. The following remedial options are included within the report:
- Complete removal and off-site disposal of these soils.
 - Removal from gardens and placement beneath less sensitive areas such as beneath areas of hardstanding.
 - Where soils are to remain, then provision of a clean cover system to sever the pollutant linkage comprising a minimum 600mm of clean cover in gardens (150mm clean topsoil and 450mm clean subsoil), and 450mm of clean cover in areas of POS (150mm clean topsoil and 300mm clean subsoil).
87. The area of the existing storage building has not been sampled and the Environmental Health Officer has recommended for clarity that the above recommendation and subsequent remedial works applies not only to the location of TP19 but the whole of the compound area including the existing building once demolished where made ground is encountered.
88. Additional testing of clean topsoil will be required prior to re-use to confirm suitability prior to placement in gardens and POS and the Environmental Health Officer agrees that this shall be undertaken in accordance with YALPAG – ‘Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants, V4.1, dated June 2021’. It is not expected that subsoil/topsoil will be imported onto site, however if this is the case it should be sampled in accordance with the requirements of the YALPAG guidance.
89. Overall, the Environmental Health Officer is satisfied that the site is suitable for its intended end use. To secure the remediation required and in the event that unforeseen contamination is encountered two planning conditions are recommended: CL5 unexpected contamination and CL6 Implementation of Remediation Strategy and Verification and Completion Report. These standard conditions have been reworded to take account of the small area of the site (the location of the existing storage building/compound) which has not yet been subject to any site investigation works which are to take place after demolition. Subject to these conditions, the proposal complies with policy DC3 and DC4 in this regard.

Air Quality

90. A screening air quality assessment for Blackwell Grange, Darlington produced by njd Environmental Associates dated September 2022 Report Ref: NJD22-0116-002R has been submitted to support the application.

91. The screening assessment does not consider the construction phase, but the Environmental Health Officer is satisfied that the dust control measures are adequately addressed in the submitted Construction Management Plan. It is agreed that due to the size of the development and number of residential properties/parking spaces the traffic flows as a result of the scheme will not give rise to the IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' (January 2017) assessment criteria of AADT of >500, once distributed on the local road network. There is a significant distance buffer for the majority of the proposed properties and the diffusion tube analysis at nearby Blackwell on the A66 (roadside location) is significantly below the AQ annual mean objective for NO₂ of 40ug/m³. The Environmental Health Officer therefore agrees with the conclusions within the report that air quality is not a prohibitive factor in the determination of the planning application.
92. In the context of the above, the proposal is acceptable in respect of policies DC1, DC3 and DC4 in this regard.

e) Highway safety and sustainable transport

Access & Visibility

93. The site is to be accessed via a new protected right turn or 'ghost island' priority junction, to be designed to DMRB standards appropriate to the speed limit (40mph). This was planned and in concept form when both the Storey Homes site opposite, and this allocation were identified as potential residential development sites, with junction spacing, crossing facilities and footways being master planned in basic form.
94. Revised visibility splays have now been submitted and are increased in line with the advice given i.e., visibility splays of 4.5m x 90m are demonstrated in each direction, and therefore considered acceptable. The larger 'x' splay of 4.5m is secured to improve flow and capacity from the minor junction arm, where this is increased from the minimum requirement of 2.4m to enable drivers to join the major arm without stopping when a gap is available. This assists exiting drivers join Carmel Rd South, where peak hour flows are high.
95. Pedestrian links are to be provided into the site in the form of a new 2.0m wide footway located north of the site access on the eastern side of Carmel Rd. This will terminate at a new pedestrian crossing island located south of the Storey Homes site access. This provides a safe means of pedestrian crossing and gives connectivity to wider highway infrastructure to the north, including bus stops located north of the site access. All routes should include dropped crossings and tactile paving.
96. Where a new junction is introduced to the existing highway network, this creates new turning and slowing manoeuvres in the vicinity of the site. Resurfacing will therefore be required in each direction of approach, to ensure that a surface of suitable skid resistance value is provided. Further works will include widening/haunching of the

carriageway, drainage investigation and capacity review given increased impermeable area, kerbing works associated with new footways, signage lining and street lighting.

97. All offsite highway works will be subject to highways technical approval as part of the Section 278 process and be subject to an independent Stage 1-2 road safety Audit. Technical approval is a separate process to planning approval. The identified scope of off-site works must be completed prior to occupation of the first dwelling in the interests of highway safety.
98. The S278 plan submitted by Coast Consulting Engineers (22100 261 T2) shows a small area of offsite works adjacent to Bland's Corner Roundabout. Whilst this is on Grange Rd (A167), it forms part of the National Highway's network, where any such works will require separate prior consent and approval with our neighbouring Highway Authority.
99. The submitted swept path analysis auto tracks, show that the junction form does not perform as required for large vehicles. The extracts below are for an 11.2m refuse vehicle, however they show overrunning of the vehicle body at the pedestrian crossing location, as well as the 'right in' manoeuvres being taken from the straight on northbound lane rather than the protected right turn. Despite this the body of the vehicle still encroaches over the footway at the exact location persons would wait to cross. Modifications will therefore be required to the junction geometry; this can be picked up as part of Section 278/38 technical approval.

Internal Site Layout

100. The internal layout of the site is generally considered acceptable and in accordance with the highway design standards set out in the Tees Valley Design Guide for Residential Development. The internal road layout uses both conventional 5.5m wide roads with separate 2.0m wide footways, and shared space type carriageways which require a 6.0m running carriageway within additional 0.5m wide margins located on each side.
101. A shared space design of footway/carriageway is used to serve plots No. 14-18 which is approximately 75m in length. The design speed of shared space designs is 16kph (10mph). Given the straight geometry of the shared space road 75m is considered an absolute maximum length, given that no horizontal deflection is included within the design to reduce vehicle speeds.
102. The internal site layout will be subject to a 20mph speed limit with traffic calming features used where carriageway geometry enables speeds exceeding 20mph. Raised tabletops should not be placed within shared space or at junction radii where this encourages indiscriminate parking and footway overrun.
103. Visibility drawings have been submitted which demonstrate that sufficient forward and junction visibility is secured within the internal layout where forward stopping sight distance of 25m is required for the 20mph internal speed limit. Swept path analysis is

submitted and demonstrates that the site can accommodate the access and turning movements of an 11.2m Phoenix Duo2 refuse vehicle.

104. Footways extend throughout the site, in standard 2.0m wide bitmac construction and terminate at transitions to private shared driveway or shared space designs, where a continuous level surface is maintained to provide accessibility for persons with visual or mobility impairment.

Parking

105. Parking fully meets and exceeds the minimum standards set out in the Tees Valley Design Guide. All properties across the site are of considerable size with the smallest units being 4 bed dwellings, which require a minimum of 3 in curtilage spaces per dwelling. As a minimum, all dwellings have at least 4 in curtilage parking spaces, both within garages and driveways. Garages are provided for all dwellings, either as an integral or detached design. Cycle parking is suitably addressed where a garage is provided as all garages accord with minimum internal space requirements. Electric vehicle charging provision is both a local plan and Building Regulations requirement, an in curtilage EVCP will therefore be provided for each dwelling.

Traffic Generation & Impact

106. A transport Assessment has been prepared by Tetra-Tech on behalf of Homes by Esh to review the accessibility of the site for pedestrians, cyclists or users of public transport, as well as to consider the impacts of traffic generated by the proposed development and assess its impact on the local highway network.
107. Trip generation rates and vehicles distribution is derived from the Story Homes 'Willows' development located opposite with surveyed trips and distribution used to predict and assign to the local road network the numbers of vehicle trips likely to be generated by the proposed development. This was a previously agreed methodology discussed prior to submission of the application and is considered to be robust.

The proposed 44 No dwellings are predicted to generate the following peak hour trips:

Weekday AM Peak Hour 08:00 to 09:00 Arrivals - 8 Departures- 19. **Total 2-way = 27**

Weekday PM Peak Hour 17:00 to 18:00 Arrivals – 18 Departures – 14 **Total 2-way = 32**

108. The approved trip assignment suggests 70% of vehicles will be to/ from the south, Bland's Corner/A66 roundabout, and the remaining 30% will be to/ from the north A67/Elm Ridge roundabout. Applying the above to Table 5-1 suggests during the weekday AM peak hour the split of proposed development traffic will be 19 south and 8 north while in the PM peak it will be 23 south and 9 north.

109. Whilst overall generation is not particularly high given the relatively small quantum of development (44 No dwellings), generation rates are higher than average with generation and distribution at a traffic sensitive location close to the A66 Bland's Corner Roundabout and as such will contribute towards Local Plan cumulative impact on the Strategic Road Network (SRN).
110. Various mitigation schemes are identified within the Local Plan Infrastructure Delivery Plan (IDP) including E15 (Bland's Corner Improvements Phase 1) and E19 (Bland's Corner Phase 2.) as well as other A66 corridor improvements. Local Plan Policy IN1 sets out that contributions will be sought from developers as a potential means of funding these mitigation schemes. The development has been identified as contributing to a cumulative impact on A66 Bland's Corner roundabout. This necessitates an improvement scheme to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks. A contribution of up to £120,000 will be provided through a Section 106 agreement. This is in accordance with Local Plan Policy IN1c and the associated Infrastructure Delivery Plan and has been agreed with National Highways. This is dealt with in Section (i) below.
111. A review of the most recent 5-year period of recorded Police accident statistics has been undertaken. The overall frequency of accidents on the road network local to the site is low. The proposed development is not expected to have any noticeable traffic impacts and so no further highway safety assessment is required.
112. Whilst the issues with swept path analysis and junction design are identified above, these issues can be addressed later and are covered by the recommended conditions in relation to construction of adoptable roads and footways (including programme of works), provision of satisfactory visibility splays, delivery of off-site highway works, and provision of parking.
113. Subject to the above, the Highways Engineer has raised no objections to the proposed development and the proposal is considered to comply with policies DC1, IN1, IN2, IN3 and IN4 in this regard.

Sustainable Transport

114. This development site is required to comply with the SPD (Supplementary Planning Document) and Policy IN2 within the Darlington Local Plan regarding public transport, which states - *SPD - 'all new development should provide easy access for those who wish to use public transport. Accessibility is based on 80% or more of the site being within 400m walking distance of a bus stop.'* Local Plan - *'All new major development should be accessible by public transport. It is therefore expected that 80% or more of dwellings on a site will be within a 400-metre walking distance of a bus stop served by a regular daytime service (at least every 30 minutes). Where appropriate, financial contributions to provide a supported or extended bus service for up to 5 years, and bus stop infrastructure will be sought where sites are not currently served by regular services.'*

115. The Transport Planning Officer has agreed that the most appropriate public transport option for this development site is to provide a safe route through the development site to the bus stops on Grange Road (A167). A safe route is required to be provided through the development to The Blackwell Grange Hotel bus stops on Grange Road (A167) which are served by frequent bus services. There would also be a requirement for a crossing point at the entrance of the Blackwell Grange Hotel, this would include a dropped crossing and tactile paving. The Sustainable Transport team would encourage the developer to promote to potential residents the public transport options for the site.
116. A safe route to school will also follow the safe walking route that is being provided to the bus stops that will take pupils safely onto Grange Road to access schools in this direction. The safe route to school is required to be a sealed surface and lit at regular intervals. Details of the construction and lighting are to be agreed.
117. A figure has been agreed in principle for the sustainable transport contribution to be used to contribute towards the cost of the safe route to school path that connects the development with the bus stops on Grange Road and the figure agreed is £44,000 to be paid within 12 months of the commencement of the development. This is considered further in section (i) of this report.
118. The Transport Planning Officer has raised no objections subject to a condition to require the provision of the footpath prior to the occupation of the 11th dwelling. This has been agreed to reflect the build out of the housing site and to ensure that there is safe access from the site through to the path.
119. The development site is located within the vicinity of the cycling network with there being advisory cycle routes and signed cycle routes close by that connect to the wider cycle network. The whole site is required to meet the guidance as set out within the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020). This is also the case for cycle parking/storage for the development it states that the long stay requirement for residential cycle parking should be 1 space per bedroom. From the information submitted it is stated that each dwelling will have a garage provided, either as an integral or detached design, this is acceptable in terms of cycle parking.
120. The Transport Policy has raised no objections subject to a condition requiring details of the footpath and its implementation prior to the occupation of the 11th dwelling, the provision of the cycle parking and EV charging points, prior to occupation. Subject to the above the proposal complies with policies DC1, IN2 and IN4 in this regard.

f) Flooding and Drainage

121. In accordance with the NPPF Policy DC2 of the Local Plan requires proposals of this scale to provide a flood risk assessment. It also requires proposals to mitigate and adapt to climate change by being designed to incorporate a range of measures such as the provision of SUDs and use of rainwater harvesting.

122. The Environment Agency flood maps show that the proposed development sits within Flood Zone 1, which has a low probability of flooding and therefore, in flood risk terms, the principle of residential development in this location accords with the National Planning Policy Framework 2021 and policy DC2 of the Local Plan.
123. A Flood Risk Assessment and Drainage Strategy was submitted in support of the application, and these concluded that the risk of flooding from these sources is considered to be low. Management of surface and foul water is achievable and not considered to bring about any adverse impacts. Suds including permeable surfacing, ponds and flow controls have been included as part of the drainage strategy. The Local Lead Flood Authority has raised no objections to the proposed development subject to conditions regarding implementation of the proposed mitigation measures and the surface water management scheme prior to occupation. The proposed development complies with policy DC2 of the Local Plan in this regard.
124. It should be noted that the development does not meet the thresholds for consultation set by the Environment Agency, and they have confirmed that they would have no comments to make on the application. Northumbrian Water has responded to a consultation on the application and has noted that the development proposal would be served by Stressholme Sewerage Treatment Works (STW), which has the dry weather flow (DWF) capacity to accept the domestic flows (Foul) generated by the construction of the 44 No. dwellings.
125. There is only one storm overflow between the proposed development site and Stress Holme STW. The location of which is immediately upstream of the works and is fully compliant with its permit from the Environment Agency. It is very difficult to accurately forecast the impact a development of this size would have on the existing number and duration of storm spills from a single storm overflow. The drainage proposal submitted as part of the application, suggests that this development will discharge surface water directly into a local watercourse which significantly reduces the volume of flows which would be generated from the development which would discharge into the public sewerage system.
126. The government introduced the storm overflows discharge reduction plan, setting out stringent new targets to protect people and the environment. Northumbrian Water has produced a drainage and wastewater management plan for the Darlington catchment. The storm overflow in question has been identified for improvements between 2030 -2035.
127. Northumbrian Water has confirmed that it has no objections to the proposed development subject to a condition requiring compliance with the drainage scheme within the submitted Flood Risk Assessment and Drainage Strategy.

g) Impact on ecology

128. Criterion b and e of the allocation statement in the Local Plan require an ecological survey to be undertaken and adequate mitigation to be provided for any impact on the adjacent Local Wildlife Site which is primarily designated for its habitat for Great Crested Newts.
129. Policy ENV7 sets out the overarching principles for the protection of sites and features of biodiversity and geodiversity importance. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for. Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks.
130. Policy ENV8 of the Local Plan also requires proposals to provide net gains in biodiversity as prevailing in national policy. Whilst the 10% requirement in the Environment Act has yet to be implemented the Council is encouraging proposals to achieve a minimum of 10%. This should be demonstrated by using the Defra Biodiversity Metric. The policy also sets out the assessment and mitigation process applicants are required to follow.
131. The application was submitted with a Preliminary Ecological Appraisal (PEA), and various other supporting documents including a Biodiversity Metric, Biodiversity Management and Monitoring Plan, Bat Surveys and a Preliminary Bat Roost Assessment / Ground Level Tree Assessment all to be read in conjunction with the detailed landscaping plans for both the housing element of the proposal and the parkland restoration.
132. The Preliminary Ecological Appraisal provided a baseline assessment of the site and identified the potential for major negative impacts to arise on great crested newts and common toads, moderate negative impacts on breeding birds and hedgehogs and minor negative impacts on Durham BAP priority habitats and notable butterflies during the construction phase of the proposed housing development scheme and the proposed landscape restoration scheme.
133. The spread of Himalayan balsam, giant hogweed, Japanese knotweed and other invasive non-native plants on-site or off-site also has the potential to generate major negative impacts on the affected environment. There are also assessed to be potential minor negative impacts on breeding birds, great crested newts, common toads and hedgehogs during the operation phase of the proposed housing development scheme.
134. The proposed mitigation strategy is based upon habitat retention, enhancement and creation at the housing development site, with significant habitat enhancements within the wider Blackwell Grange Parkland. Habitats to be retained within the housing development are primarily the peripheral belt of broadleaf woodland along the east and west boundaries, some of the existing scattered trees and a small area of grassland in the north of the development. Significant enhancements include the planting of native hedgerows, seeding of native flower-rich grasslands, planting of native hedgerows and

creation of swales that form part of the Sustainable Urban Drainage Scheme (SUDS) for the site. For the parkland this includes generation of enhanced grassland meadows; creation of a community orchard; Expansion and enhancement of the existing pond; Addition of extra tree planting in key areas to enhance the existing areas; Installation of hedgehog hibernacula. Installation of amphibian hibernacula.

135. The Council's Ecology Officer has reviewed the PEA and agrees with its conclusions in terms of mitigation as below:

- Appointment of a trained ecologist to provide advice on-site and oversee the proposed impacting works.
- The development will be subject to a Natural England Great Crested Newt District Level Licence (DLL) to enable off-site mitigation to be Barrett Environmental Ltd BE001418.015 Preliminary Ecological Appraisal (revised) Blackwell Grange Parkland, Darlington July 2023 59 delivered in respect of the potential harm to the local population of this fully protected species. This will be obtained before any works commence on the site. No on-site mitigation for great crested newts will be required under the DLL.
- Clearance of vegetation and scrub and removal of shrubs and trees will be implemented outside both the bird breeding season and the hedgehog hibernation seasons (September / October). If the works must be undertaken at any time between November and August, affected areas will be checked for nesting birds or hibernating hedgehogs as appropriate by the appointed trained ecologist / ECoW before and during the works. Works could be delayed in this instance if any active bird nests are found until the young within these nests have fledged.
- Excavations will be backfilled at the end of each working day. If any excavations must be left open overnight, these must be adequately secured and either completely covered or ramped on at least one side to prevent animals from falling into them and becoming trapped inside. Open excavations must be checked by a designated member of the construction team at the beginning of each working day for any animals that have not escaped.
- Biosecurity measures will be enforced during any vegetation clearance, ground excavation or other works causing ground disturbance on or within a minimum 7m radius of the areas identified as being affected by Himalayan balsam, giant hogweed or Japanese knotweed to avoid spreading these invasive non-native species of flora either on-site or offsite via clothing, footwear, tyres and other equipment. These will include making site personnel aware of their presence through induction, signage and fencing, together with rigorously cleaning of all items that come into contact with plants and impacted soils to remove rhizomes, seeds and any other debris. An invasive non-native species management plan will also be required to deal with their treatment and removal in accordance with current UK environmental legislation.
- Installation of bird nest units in a proportion of the new dwellings, particularly to provide accommodation for swifts.
- Provision of amphibian and hedgehog hibernacula around the peripheries of the SUDS basins and within the boundary woodland.

- Installation of drop kerbs in strategic locations to enable amphibians and hedgehogs to climb easily off-road surfaces.
- Provision of gaps in strategic locations under fences to allow hedgehogs to easily access back gardens.

136. In addition to the above, the Ecology Officer has recommended the following further actions, which along with the proposed mitigation recommended by the PEA, can be required as part of a suitably worded condition.

- Updated badger walkover survey within a couple of weeks before construction is expected to start to ensure there are no new setts that may be impacted as badgers will move and can establish a sett quickly, despite there were being badgers during the initial survey.
- Ongoing monitoring, in line with the Biodiversity Management Plan (see below).

Bats

137. A Preliminary Bat Roost Assessment (PBRA)/Ground Level Tree Assessment (GLTA) has been completed on the trees to be lost to the residential development. With further action from the surveys being two ariel inspections of six trees which had suitability for bat roosts undertaken on the 31/10/2023 and the 09/11/2023. The inspections identified that trees 425 and 459 would require further bat surveys in the optimal season (May to August), and the remaining trees inspected (except tree 1649) and a further 15 identified trees will require soft felling under a method statement. A subsequent Bat Method Statement was submitted on the 16th November.

138. The Council's Ecology Officer has advised that the recommendations and actions set out in the Bat Method Statement are adhered to, to be secured by a suitably worded planning condition, including (but not limited to):

- Two further surveys for trees 425 and 459 during optimal season.
- Pre-felling inspection of trees.
- Soft felling for the remainder of the trees under the supervision of suitably qualified ecologists.

139. The lighting design plan supplied meets the specifications for Darlington Borough council. The plan outlines the type of luminaires, which have with rear shields and an upwards lighting ratio of zero which is suitable for use in areas with bats.

Biodiversity Enhancement / Biodiversity Net Gain

140. With the enhancements that will take place both within the housing site, and the significant habitat enhancements within the wider parkland restoration area, the development achieves a net gain of 10.53% habitat units.
141. A Biodiversity Management Plan has been submitted and this sets out how and when the monitoring of biodiversity will be carried out. This includes monitoring of bats, bird nests, habitat features and GCN post-construction with the appropriate suitably qualified ecologist appointed being the LPA ecologist with the support of the local wildlife groups to increase community engagement and environmental education within the area. There is a requirement for this to be adhered to throughout the 30-year period of management and this can be secured by way of an appropriately worded planning condition.
142. Subject to the above, the proposal complies with Policies ENV7 and ENV8 of the Local Plan.

h) Nutrient Neutrality

143. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
144. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
145. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
146. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

147. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022, Natural England's guidance recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). A standard calculator produced by Natural England works off such an assumption.
148. On behalf of the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the river Tees catchment to ensure that a suitable robust and evidence-based approach can be taken.
149. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021, and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.
150. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade.
151. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each authority and therefore an individual figure will be adopted by each of the various Tees Catchment Authorities.
152. In determining the figure to be used to assess population growth arising from new dwellings with Darlington Borough, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA.
153. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 (figures 7 and 8 of the ORS report) which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
154. The research shows that for the Borough if we used the baseline period of 2011-2021 it would show an increase of 0.64, whilst the highest 5-year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, suggests the highest 5-year average is not a resilient

figure and a more appropriate approach would be to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates a gain of 0.98 persons per dwelling.

155. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied.
156. It is considered that such an approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.
157. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
158. The submitted nutrient budget calculator (12th October 2023) demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. An appropriate assessment needs to be undertaken.
159. The applicant has used Natural England's Nutrient Budget Calculator tool for the river Tees catchment to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs used by the applicant within this updated calculator are considered to be satisfactory and are an accurate reflection of the site and its location. This proposal for 44 dwellings would increase the total annual nitrogen load arising by 107.65 kgs per year.
160. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 107.65 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 107.65 kgs that needs to be mitigated.
161. At the time of writing, the applicant has received written confirmation from Natural England that they have been allocated the above credits but have not yet received the countersigned provisional credit certificate to allow the Appropriate Assessment to be completed. It is anticipated that the provisional credit certificate will be available in the coming weeks, at which point this will be sufficient evidence for this form of mitigation

to be considered robust and achievable and appropriately located within the Tees catchment.

162. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. This should set out that prior to the occupation of the proposed dwellings the final signed credit certificate needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and in place.
163. To conclude, based on the evidence available at the time of writing, the proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. Once the Signed Provisional Nutrient Credit Certificate is received, it can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to the application of the required conditions set out above.
164. Once the above stage is reached, and prior to issuing a decision on this application in accordance with regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England must be consulted on this Screening and Appropriate Assessment. A response must then be received from Natural England confirming they have no objection to the proposed development provided that all mitigation measures are appropriately secured in any planning permission.
165. Subject to the above, the receipt of the Signed Provisional Nutrient Credit Certificate, the completion of the Appropriate Assessment, and a 'no objection' to the above from Natural England, officers will be able to conclude that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to appropriate planning condition as set out above.

i) Planning obligations

166. The application triggers a requirement for developer contributions in line with the requirements of the Darlington Local Plan 2016 – 2036 and the Planning Obligations SPD.
167. 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:
- a. Necessary to make the development acceptable in planning terms.
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development 126.
168. In this instance the following planning obligations have been agreed with the applicant:

- £918,000 Affordable Housing Contribution
- £44,000 sustainable transport contribution
- £120,000 towards improvement scheme (A66 Bland's Corner roundabout) to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks.
- A Landscape Management Plan would be included within the Agreement.

169. Policy IN10 of the Local Plan sets out that if a need is demonstrated for additional education provision, then a planning obligation should be sought which should be calculated using the prescribed formula. The Education department were consulted on the application and have indicated that there are sufficient school places to meet projected pupil yield from this development and therefore no 106 contributions for additional school places are required.

170. NHS Northeast and North Cumbria Integrated Care Board has requested a financial contribution healthcare and have indicated that; *'Local GP Practices are keen to maintain / improve their access and an increase in patient numbers may require adjustments to existing premises/access methods'*. Based on a formula, the requested contribution is £21,252 and it is considered that this is based on the Neasham Road GP Practice being affected, being a practice that falls within the Darlington Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size and S106 funding would support creating extra capacity for them to provide appropriate services to patients.

171. Whilst the above is noted, it is not considered that the request is sufficiently evidenced and as such there is no certainty that it would be sufficiently relevant to the development being proposed.

j) Other matters

172. The site is located in a gypsum (deep) safeguarding area protected by policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011). The policy sets out the circumstances when non-mineral development will be permitted in these mineral safeguarding areas. Much of the south western part of the borough is covered by this designation. This proposal is considered to comply with part c of the policy, which states that, the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource. The site is an allocation for housing in the Local Plan and forms part of the Council's housing land supply and therefore required to contribute towards the achievement of the Council's housing requirement. Extraction prior to development would also potentially result in the site being unsuitable for residential development which it is allocated for and there is a significant safeguarded area for gypsum remaining in the Borough.

173. Policy DC3 of the Local Plan seeks to support improvements to health and wellbeing by ensuring new developments are age friendly, inclusive, safe and attractive and easily

accessible by foot or bicycle. They should also seek to integrate dementia friendly design principles. The applicant has demonstrated satisfactorily how the proposal incorporates these measures.

174. Policy IN8 of the Local Plan requires this proposal to ensure that broadband connectivity and ducts are provided for the development. The applicant has issued a statement confirming the following and the proposal is therefore acceptable in this regard:

'The dwellings at Blackwell Grange will be constructed in accordance with approved document R and meet both requirement RA1 & RA2 – meaning that the dwellings will provide physical infrastructure and network connections which have gigabit ready physical infrastructure and a connection to a gigabit capable network. The dwellings will also be in line with the requirements R1 whereby high speed ready in building physical infrastructure is provided'.

175. Policy DC5 of the Local Plan seeks 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 that the housebuilder achieves this through the following:

- Delivering targeted local employment and providing training opportunities for those furthest from the job market. We prioritise the employment of local people on our projects, either direct or within our supply chain, and have a range of interventions which allow us to reskill people from all backgrounds. We directly employ 54 apprentices (8% of our workforce) - 27 study at New College Durham and 32 are Durham residents.
- Raising aspirations, improving employability skills and changing perceptions by sharing the diverse range of rewarding careers the construction sector has to offer. We prioritise local people for work experience, T-Level placement, and internships, and deliver construction-themed initiatives through the award-winning Get into STEM and Building My Skills programmes, and recently launched 'Construction in the Curriculum' and 'Constructing Careers' programmes.
- Our employees and our supply chain partners are our most important assets. We are committed to providing a range of development and training opportunities, upholding our 'Gold' Armed Forces Employer Covenant (2023) and providing industry leading mental health and wellbeing support to ensure a happy, engaged and productive workforce.

176. The above demonstrates that the development will provide a variety of skilled jobs, which will provide opportunities for training and job progression.

THE PUBLIC SECTOR EQUALITY DUTY

177. 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

178. In summary, the principle of development of this site is acceptable given that it has been identified as a housing allocation in Local Plan policy H2 and as it has been included within the development limits of the Darlington Urban Area (policy H3). The proposed development complies with the relevant policies in the development plan and has an acceptable impact on heritage assets. The proposal would result in a significant enhancement to the area through the concurrent parkland restoration with any loss of tree cover sufficiently mitigated by compensatory provision together with significant enhancement. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology, flood risk and drainage and residential and visual amenity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972 TO ENSURE THAT THE DEVELOPER ENTERS INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)

- £918,000 Affordable Housing Contribution
- £44,000 sustainable transport contribution
- £120,000 towards improvement scheme (A66 Bland's Corner roundabout) to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks.
- A Landscape Management clause would be included within the Agreement.

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

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. A3 (Standard 3-year time limit)

APPROVED PLANS

2. PL (Accordance with Plans)

BWG-SL-001 REV K Site Layout Plan
BWG-ED-001 Enclosures details
BWG-ENC-001 REV C Enclosures Layout
BWG-MCP-001 Overall POS MC Plan
BWG-POS-001 POS MC Plan Rev B
BWG-SG-001 Sales Garage Floor Plan
BWG-SG-001 Sales Garage Foundation Design
BWG-SS-001 Street scene
D334_L_100_REV I Landscape Strategy
D334D204 REV A Construction Details
BWG-MF-001 REV B Materials finishes layout.
D334_L_209_REV F Bat and Bird Box location Plan
BWG-BBP-001 REV B Bat and Bird Box location Plan
BWG-EV-001 EV Charging point locations
D334 L 201 REV P Parkland Landscape Strategy
D334_L_208_REV E Seat and Bin Locations
D334 P 205 REV D Parkland Tree Planting
D334_P_206_REV C Orchard Planting
D334_L_202_REV A Pond Layout
D334 P 207 Pond Planting
BWG-BTP-001 Rev B Railing Plan
22100-01-T2 Engineering Layout sheet 1
22100-02-T6 Engineering Layout sheet 2
22100-03-T8 Engineering Layout sheet 3
22100-04-T2 Engineering Layout sheet 4
22100-05-T2 Engineering Layout sheet 5
22100-06-T4 Engineering Layout sheet 6
AU-M4(3)-01 Austin House Type Plans
AU-M4(3)-02 MAT TYPE 1 Austin Mat Type 1
AU-M4(3)-02 MAT TYPE 2 Austin Mat Type 2
AU-M4(3)-02 MAT TYPE 3 Austin Mat Type 3
AU-M4(3)-02 MAT TYPE 4 Austin Mat Type 4
AU-M4(3)-03 Roof Plan and section
HOUSE TYPE MOOD BOARD TYPE 1 REV J
HOUSE TYPE MOOD BOARD TYPE 2 REV J
HOUSE TYPE MOOD BOARD TYPE 3 REV J
HOUSE TYPE MOOD BOARD TYPE 4 REV H
BR-01 The Brunel Proposed floor plans.
BR-02 The Brunel Proposed elevations Mat Type 1
BR-02-MT02 The Brunel Proposed elevations Mat Type 2
BR-02-MT02 The Brunel Proposed elevations Mat Type 3
BR-02-MT02 The Brunel Proposed elevations Mat Type 4
BR-03 The Brunel Proposed roof plan section.
DA-01 The Darwin Proposed plan.
DA-02 The Darwin Second floor and roof plan
DA-03 The Darwin Mat Type 1
DA-03-MT02 The Darwin Mat Type 2
DA-03-MT03 The Darwin Mat Type 3
DA-03-MT04 The Darwin Mat Type 4
DA-04 The Darwin Proposed section.
DRL-GD-002 Double Garage Design
FR-01 The Franklin proposed plans.
FR-02 The Franklin proposed second floor and roof plan.
FR-03 The Franklin Mat Type 1
FR-03 The Franklin Mat Type 2
FR-03-MT03 The Franklin Mat Type 3
FR-03-MT04 The Franklin Mat Type 4

FR-04 The Franklin Proposed section.
MO-01 The Morris Proposed plans.
MO-02 The Morris Mat Type 1
MO-02 The Morris Mat Type 2
MO-02-MT02 The Morris Mat Type 3
MO-02-MT03 The Morris Mat Type 4
MO-03 The Morris Proposed roof plan section.
NI-01 The Nightingale Proposed floor plans.
NI-02 The Nightingale Mat Type 1
NI-02-MT02 The Nightingale Mat Type 2
NI-02-MT03 The Nightingale Mat Type 3
NI-02-MT04 The Nightingale Mat Type 4
NI-03 The Nightingale Proposed Roof Plan section.
P-DE-001 Herringbone Drive Detail
WO-01 The Wordsworth Proposed Floor Plans.
WO-02 The Wordsworth Mat Type 1
WO-02-MT02 The Wordsworth Mat Type 2
WO-02-MT02 The Wordsworth Mat Type 3
WO-02-MT03 The Wordsworth Mat Type 4
WO-03 Wordsworth Proposed roof plan section.
22100 101 P5 SUDS Maintenance Plan
22100 501 REV P2 Pumping Station
22100 95 T5 SUDS Sections

HILLSIDE CONDITION

3. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 2 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.

REASON: For the avoidance of doubt

M4 STANDARD

4. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted plans.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036

HIGHWAY

5. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed

and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

6. There must be no access or egress by any vehicles between the highway and the application site Carmel Rd South A167, until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and always retained for their intended purpose.

REASON – In the interests of highway safety.

7. The following schemes of off-site highway mitigation measures must be completed as indicated below:

The proposed 'Ghost Island' Junction access to be located on Carmel Rd South in accordance with DMRB CD123 along with details of footways and pedestrian crossing facilities which link to the surrounding cycling/pedestrian infrastructure. Works include but are not limited to, resurfacing works, kerbing and drainage signage and lining. Prior to occupation of the first dwelling.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within three months of the granting of planning permission or within such extended time as may be agreed in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local

Planning Authority within three months of the granting of planning permission or within such extended time as may be agreed in writing by the Local Planning Authority.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

8. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and always retained for their intended purpose.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

CONSTRUCTION IMPACTS

9. The development shall not be carried out otherwise than in complete accordance with the Construction Management Plan received 14th November 2023 produced by Esh Homes (documents listed below) unless otherwise agreed in writing by the Local Planning Authority

Dust Mitigation/Assessment Report, Homes by Esh
Construction Management Plan Drawing Number BWG-CMP-001 Revision G dated 07.11.2023, Homes by Esh
Noise at Work (Reference ECP024, Issue: 1, Revision O), Homes by Esh
Wheel Washing Safety Method Statement, Homes by Esh dated 02.11.2023.

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

10. The piling shall take place in accordance with the details submitted on 16th November 2023 (confirmation of plots and vibration monitoring). Any change to the piling proposals should be agreed with the Local Planning Authority prior to any such works.

REASON – In the interests of residential amenity.

11. 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 amenity.

TRANSPORT POLICY

12. A footpath connecting the development hereby approved to the bus stops on Grange Road, via the existing access to Blackwell Grange, shall be constructed prior to occupation of the 11th dwelling. Details of the path shall be submitted to and approved by the Local Planning Authority in accordance with the above timescale, including details of the construction, lighting, and arrangements for long term maintenance.

REASON – To provide a safe route to school in the interests of pedestrian safety.

13. The cycle parking provision as show in the submitted plans, shall be in place prior to the occupation of the dwellings hereby approved and shall be maintained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

14. The EV Charging points as shown on plan BWG-EV-001 and supporting specifications shall be in place prior to the occupation of the dwellings hereby approved and shall be maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan

FLOODING AND DRAINAGE

15. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Blackwell Grange Flood Risk Assessment & Drainage Strategy” dated “12th December 2022”. The drainage scheme shall ensure that foul flows discharge to the foul public sewer at manhole 7901 and ensure that surface water discharges to the highway drain on Grange Road.

REASON - To prevent the increased risk of flooding from any sources in accordance with the NPPF.

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy - 22100-FRA1 - dated 22.09.2023 REVISION E and the following mitigation measures.

Discharge of Surface Water • Repairs and cleansing to Highways Drainage to an adoptable standard as agreed with ESH. Communicated via email on the 30th of October 2023.

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.

17. The buildings hereby approved shall not be brought into use until: - • Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings.

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

LAND CONTAMINATION

18. Any contamination not considered in the 'Coast Consulting Engineers Blackwell Grange Remediation Strategy dated 16 January 2023 Report No 22093-04 Revision A' but identified during the construction/remediation works or from the soil sampling in the location of the existing storage building/compound following the demolition of the said building 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 advance and 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.

19. 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 'Coast Consulting Engineers Remediation Strategy dated 16 January 2023 Report No 22093-04 Revision A'. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

The properties which require remediation works, shall not be occupied until all 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.

NOISE

20. With the exception of the proposed acoustic fence (further details required by condition 21) the noise mitigation measures shall be implemented in full in accordance with the requirements of the 'NJD Environmental Associates Noise Assessment Report reference NJD22-0116-001R Version 3 dated September 2023' unless otherwise agreed in writing by the Local Planning Authority. All noise mitigation measures shall be completed prior to the occupation of that particular property. No changes to the noise mitigation shall be carried out without the prior written agreement of the Local Planning Authority and the measures shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

LANDSCAPE AND MEANS OF ENCLOSURE

21. Prior to the development hereby approved being occupied, details of an appropriate means of enclosure to gardens backing onto Grange Road and Carmel Road South (with an addendum to the noise report), shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be in place prior to the occupation of the dwellings hereby approved. All other boundary treatment, as set out in drawing No. BWG-ENC-001 Rev C and BWG-ED-001 shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

22. E3 Landscaping (Implementation)

TREES

23. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan' (Blackwell-East, Blackwell Lane Darlington, ARB/AE/2942, Elliott

Consultancy Limited, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the areas of the trees.

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

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

HERITAGE IMPACTS

24. The building known as the ‘Coach House’ shall not be demolished until an appropriate programme of historic building recording (level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning.

REASON - To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

25. Notwithstanding the information within the submitted Wall Surveys and Repair Specification, further details shall be provided prior to repairs to each section of wall (A-K), to include confirmation of the required extent of works (alongside any impacts on landscape / ecology). No works shall take place until the details have been agreed in writing by the Local Planning Authority.

REASON –To both ensure retention of historic fabric and ensure that the adjacent areas of landscaping are retained or reinforced/replanted following removal to facilitate the works to conserve that combined character.

26. Prior to the occupation of the development hereby approved, details of the size, type, and location of the proposed interpretation panels shall be submitted to, and approved in writing by, the Local Planning Authority. These shall be in place prior to the occupation of the development hereby approved and shall be retained as such thereafter.

REASON - To recognise the heritage significance of the site.

ECOLOGY

27. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Preliminary Ecological Appraisal (Blackwell Grange Parkland, Grange Road Darlington, Barrett Environmental Limited, July 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity.

28. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the 'Parkland Restoration non-native Invasive Plant Management Plan (Complete Weed Control, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity.

29. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Method Statement (Blackwell Grange, Darlington, Eco North, November 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASONS – In the interests of biodiversity.

30. The development shall not be undertaken otherwise than in complete accordance with the submitted Biodiversity Management Plan for a minimum period of 30-years from the commencement of development.

REASON – In the interests of ecology and to ensure that 10% biodiversity net gain is achieved throughout the overall development in accordance with the requirements of the NPPF and Policy ENV8.

NUTRIENT NEUTRALITY

31. Prior to the first occupation of the development, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

INFORMATIVES

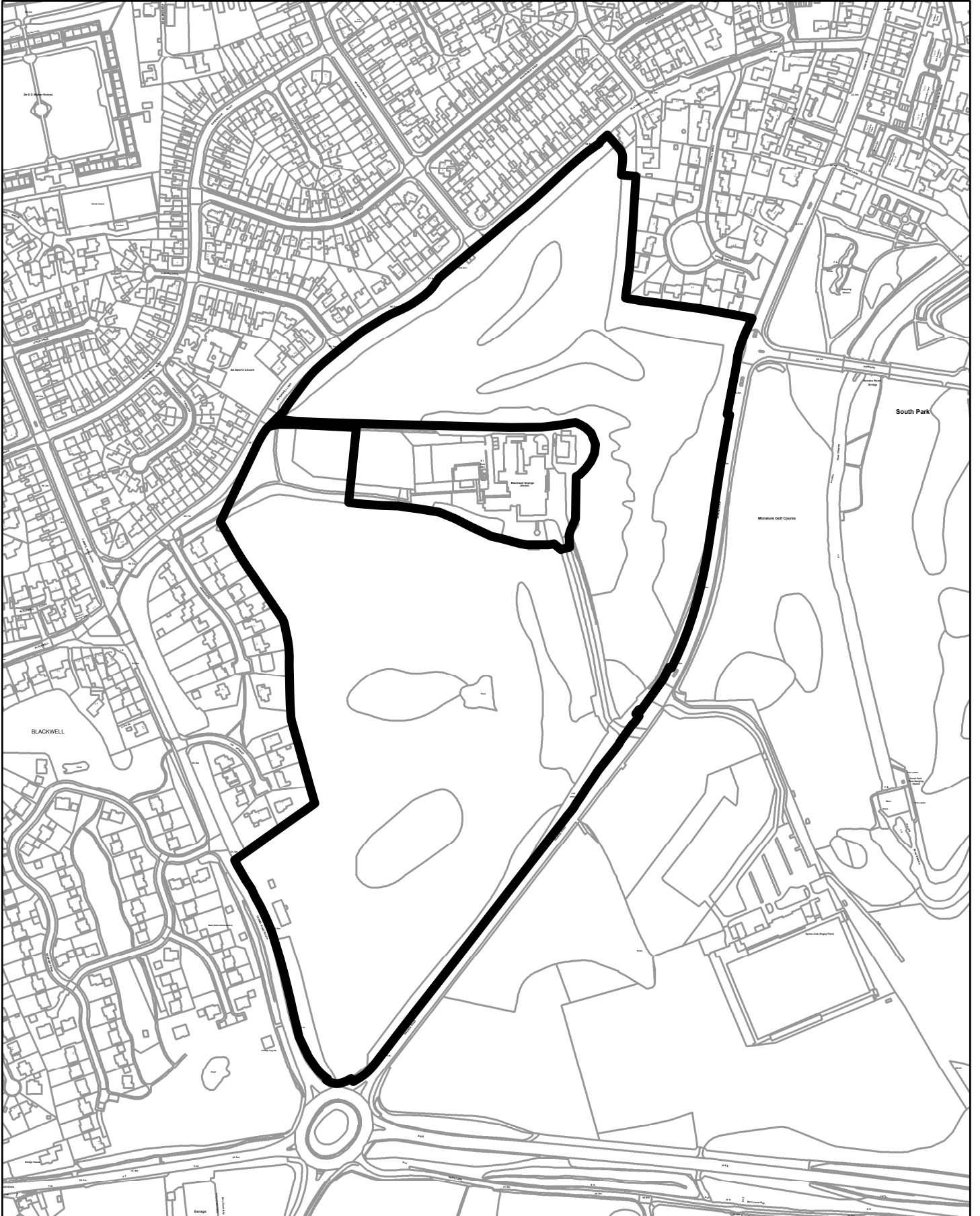
Section 278/38

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 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.

Street Naming and Numbering

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.

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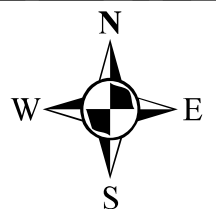


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DARLINGTON BOROUGH COUNCIL

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SCALE 1:5000

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