



DARLINGTON
Borough Council

Planning Applications Committee Agenda

1.30pm, Wednesday, 5 March 2025
Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 4 December 2024 (Pages 5 - 8)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 9 - 10)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 11 - 12)
 - (a) Proposed New NWL Water Main, Ketton Lane, Darlington (Pages 13 - 66)
 - (b) Hurworth Fisheries, 12 To 14 Church Row, Hurworth, Darlington (Pages 67 - 86)
 - (c) Garage Block Adjoining, 31 Pendower Street (Pages 87 - 104)
 - (d) Land To The East Of Neasham Road (Pages 105 - 128)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are

of an urgent nature and can be discussed at this meeting

7. Questions

PART II

8. Notification of Appeals -

The Chief Executive will report that :-

Mr Mike Bailey has appealed against this Authority's decision to refuse permission for the erection of 1 no. three bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall at Land At Mole End, Neasham Road, Hurworth, Darlington, DL2 2AZ (24/00132/FUL).

Recommended – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

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

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

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 21st February 2025 (Exclusion Paragraph No. 7) – Report of Director of the Chief Executive (Pages 129 - 140)

11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 25 February 2025
Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Holroyd, Kane, Laing, Lawley, Lee, McCollom 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 and Governance Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 December 2024

PRESENT – Councillors Haszeldine (Chair), Anderson, Bartch, Beckett, Cossins, Holroyd, Kane, Lawley, McCollom and Tostevin.

APOLOGIES – Councillors Ali, Allen, Laing and Lee.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Andrew Errington (Lawyer (Planning)) and Paul Dalton (Democratic and Elections Officer).

PA39 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA40 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 6 NOVEMBER 2024

RESOLVED – That the Minutes of this Committee held on 6 November 2024, be approved as a correct record.

PA41 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) 41 BELGRAVE STREET, DARLINGTON, DL1 4AP

24/00962/CU - Change of use from single dwelling (use class C3) to holiday lets/serviced accommodation for short and long term let (use class Sui Generis) (retrospective).

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of Highway Development Control and Environmental Health, four letters of objection received, and the views of the Ward Councillor, whom the Committee heard).

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

1. Approved Plans

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

Plan Reference Number	Date
Location Plan	30 September 2024
Drawing 1	18 October 2024
Drawing 2	18 October 2024

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

2. Booking / Number of Individuals

The property shall only be let as a single booking at any one time (also known as an 'entire household let') with a maximum of six residents per booking, unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of residential amenity and to ensure the development does not fall within the scope of nutrient neutrality.

3. Monitoring

The owners/ operators of the accommodation shall maintain an up-to-date register of the details of all bookings made and shall make this information available at all reasonable times to the Local Planning Authority.

REASON - To allow records to be made available to assist in any monitoring of condition 2 of this planning permission.

4. This permission shall be personal to GG-891-605 LIMITED only and shall not enure for the benefit of the land. In the event of GG-891-605 LIMITED no longer being the owner of the premises, the use shall revert to the use as a single residential dwelling (Use Class C3).

REASON - In granting this permission, the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent uses in the event of GG-891-605 LIMITED no longer owning the premises.

5. Within one month of the date of this permission, details of contacts with the letting agents shall be circulated to 35 to 37; 43 to 47 Belgrave Street, DL1 4AP and 36 to 40 Belgrave Street, DL1 4BP to enable any noise nuisance and disturbance to be readily reported.

REASON - To ensure that the residential amenity of nearby property is carefully monitored and issues resolved in an efficient manner.

PA42 NOTIFICATION OF DECISION ON APPEALS

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

Dismissed the appeal by Mr Abobaker Omar against this authority's decision to refuse permission for change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation (amendment to opening hours to 11.00 until 21.00 Monday to Sunday including Bank Holiday received 1 December 2020) at K & S Peacock, 55 Neasham Road, Darlington, DL1 4AG without complying with a condition attached to planning permission Ref 20/00963/FUL, dated 18 February 2021.

RESOLVED – That the report be received.

PA43 NOTIFICATION OF APPEALS

The Chief Executive reported on APP/N1350/C/24/3349389 - Enforcement Notice Appeal by Mr William Porrett at Land on the North-west side of Brickyard Farm Cottage, Neasham Road, Hurworth Moor, Darlington, DL2 1DL (23/01270/FUL).

RESOLVED – That the report be received.

PA44 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

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

PA45 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 22ND NOVEMBER 2024 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA38/Nov/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22nd November 2024.

RESOLVED - That the report be noted.

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

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

- Chair introduces Agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- Officer summarises key planning issues;
- Members may question Officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 5 March 2025

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

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

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

Address/Site Location	Reference Number
Proposed New NWL Water Main, Ketton Lane, Darlington	24/01047/FULE
Hurworth Fisheries, 12 To 14 Church Row, Hurworth, Darlington	24/00427/FUL
Garage Block Adjoining, 31 Pendower Street	24/00231/FUL
Land To The East Of Neasham Road	23/00950/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 March 2025

APPLICATION REF. NO:	24/01047/FULE
STATUTORY DECISION DATE:	30 January 2025 (extension of time agreement until 28 February 2025)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Proposed New NWL Water Main, Ketton Lane, Darlington
DESCRIPTION:	Installation of below ground pipeline from Dyance Beck to Long Newton Service Reservoir and associated works, including temporary construction compounds and temporary bridge, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures (cross boundary application with Stockton Borough Council) (additional plan and long section drawings received 5th December 2024 and visibility splay drawing, response to National Highways objection received 18th December 2024 and additional information in response to objections received 21st January 2025)
APPLICANT:	Northumbrian Water Ltd

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLX0FIFPG2E00>

APPLICATION AND SITE DESCRIPTION

1. Planning permission is sought for the development of a new Strategic Trunk Main Pipeline (STMP) connection and associated works between Gainford and Long Newton Service Reservoirs (SR). It will connect to the first part of the STMP (approved by Durham County Council in 2022 and currently under construction) at Dyance Beck, to the north east of Gainford and to the south west of Summerhouse. It will involve the installation of a below ground drinking water pipeline from Dyance Beck to Long Newton Service Reservoir which is located to the west of Long Newton village within Stockton Borough Council's administrative area. Other associated works are also proposed including temporary construction compounds and temporary bridge, a pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures. A duplicate planning application has been submitted to Stockton Borough Council for consideration.
2. The application site extends to approximately 213.15 hectares and mainly comprises agricultural land as well as passing over a number of roads and watercourses. The route travels in a western to eastern direction and is approximately 21km in length. It passes to the north of Darlington, crossing the A68, A1(M) and A167 roads, the Tees Valley Railway (TVR), the East Coast Main Line Railway (ECML) and the River Skerne. The vast majority of the site comprises the route of the pipeline itself, although the application boundary also includes areas for the associated works. For the purposes of describing the site the route of the pipeline can be broken down into three sections.

Section 1 (Dyance Beck to A1(M))

3. Section 1 will be approximately 10km in length, mainly comprising of agricultural fields, interspersed by hedgerows and single-track farm roads. Travelling eastwards from Dyance Beck, the site crosses the B6275 (Dere Street), either side of which satellite compound areas will be accommodated. The site continues eastwards and crosses the B6279 and Walworth Road, with the Grade I listed Walworth Castle approximately 300m to the north. The site widens to include agricultural land on either side of Newton Lane and Back Lane for use as Logistics (Material Laydown) Areas.
4. The site then follows a series of agricultural fields before reaching and crossing the A68. An area of agricultural land directly west of the A68 is included in the site for use as the main site compound. To the east of the A68, south of Burtree Lane and adjacent to Kimberley Caravans and the Burtree Inn Public House, the site widens to include land for use as a tunnel compound and lagoon compound. To the east, the site travels alongside Burtree Lane and crosses the A1(M).

Section 2 (A1(M) to Barmpton)

5. Section 2 encompasses the route of the pipeline from the east of the A1(M) to Barmpton and is approximately 6km in length. The route of the site in this section mainly follows an easterly direction before heading south towards Barmpton and mainly comprises a series of agricultural fields and hedgerows as well as crossing the TVR line, the River Skerne, and the ECML.
6. The route of the STMP travels along Burtree Lane from the A1(M) to the west of Whessoe Farm before diverting slightly north of the road. It immediately diverts in a north-east

direction, crossing the TVR line, crossing Patches Lane and then splitting into 2 directions, one of which travels to Beaumont Hill Service Reservoir, and the other in a north-easterly direction, crossing agricultural fields and the A167 towards the ECML railway. Beyond the A167 the site crosses the River Skerne and the ECML and then travels eastwards across fields to the north of Skerningham Community Woodland. The site then continues directly south towards Barmpton and heads east to the north east of Cheesbrough Farm, Barmpton Lane.

7. Section 2 includes areas to allow for the provision of compounds at the following locations:
 - a. To the east of the TVR to allow for a tunnel compound, a material laydown area and two lagoon compounds;
 - b. To the south, west and east of the A167 to allow for a tunnel compound and satellite compound; and
 - c. To the east and west of the ECML to allow for tunnel and lagoon compounds

Section 3 (Barmpton to Long Newton)

8. Section 3 runs from Barmpton to Long Newton Service Reservoir (SR) and is approximately 5.5km in length. The site runs in a south easterly direction and once again comprises mainly agricultural field and crosses hedgerows, watercourses, and a number of roads and farm access tracks. This section of the site crosses Bishopton Lane, Carcut Beck, Hill House Lane and Norton Back Lane, to the north of Sadberge. The site continues in a south east direction between the A66 and Newton Grange Farm towards Long Newton SR. A narrow spur adjacent to the A66 and slip road to accommodate a temporary access track is included within the site at its eastern end.
9. Section 3 also includes areas to allow for the provision of compounds at the following locations:
 - a. To the north of Barmpton to allow for a lagoon compound;
 - b. To the east and west of Bishopton Lane to allow for a satellite compound and a material laydown area;
 - c. To the west of Hill House Lane to allow for a material laydown area;
 - d. To the east of Norton Back Lane and north of Stockton Road to allow for a satellite compound and access to it; and
 - e. To the north of the A66 and south of Long Newton SR to allow for a material laydown area and lagoon compound.
10. The site is within a sensitive area as defined by the 2017 EIA Regulations (as amended) due to the presence of Ketton Bridge Scheduled Monument (SM) within section 2 of the site. In terms of designated heritage assets within the site, Ketton Packhorse Bridge, which is Grade II listed and is associated with the Ketton Bridge SM, is within Section 2 of the site. Part of Section 3 of the site falls within the Sadberge Conservation Area. Walworth Castle (Grade I listed) and parts of Sadberge Conservation Area are also located adjacent to the site boundary adjacent to Sections 1 and 3 respectively.

11. The site crosses a number of becks, streams and the River Skerne. Most of the site falls within Flood Zone 1, although parts of the site (5 no. in total) are within Flood Zones 2 and 3.
12. There are two Sites of Scientific Interest (SSSI) within 2km of the site; Redcar Fields SSSI approximately 1km to the north and Newton Ketton Meadow SSSI approximately 1.5km to the north. Drinkfield Marsh Local Nature Reserve (LNR) is located approximately 1km to the south of the site. There are no other statutory designated ecological sites within 2km of the site. There are twelve non-statutory designated Local Wildlife Sites (LWS) within 2km of the site.
13. Access to the majority of the site is limited due to its nature and location, however parts of it are publicly accessible, particularly where it crosses roads and public rights of way. Sections 1, 2 and 3 of the site cross a number of rights of way, and further detail and consideration of this is set out in the Traffic and Transport Chapter (Chapter G) of the ES.
14. The majority of the area immediately surrounding the site is rural and agricultural in nature, however it does lie within the vicinity of the following residential areas:
 - a. Summerhouse, Denton and Walworth are located approximately 900m, 700m and 250m to the north of Section 1 of the pipeline respectively;
 - b. Beaumont Hill is located approximately 200m to the south of Section 2 of the pipeline route;
 - c. Barmpton is located approximately 350m to the south of Section 2 of the pipeline route;
 - d. The northern edge of Darlington, including West Park, Harrowgate Hill and Whinfield are located approximately 1km to the south of Section 2 of the pipeline route; and
 - e. Sadberge is located approximately 120m to the south-west of Section 3 of the pipeline route.
15. The main element of the proposed development is the STMP, which will be a permanent structure located mainly underground to carry potable water, i.e. clean drinking water. There are however a number of other components to the proposed development some of which are temporary in nature. The main elements of the proposed development are set out below:

Permanent elements of the proposed development

16. *Strategic Trunk Main Pipeline (STMP)* – The STMP is a new pipeline which will form part of the strategic water supply network, which will be primarily located underground. It will be approximately 21km in length and for the most part 800mm in diameter, although will be 900mm from Beaumont Hill SR to the River Skerne. Where is below ground, it will be set within a granular bed and surround as appropriate within a below ground trench which will vary in width. Where the pipeline is 900mm, the trench will be 1300mm wide and where the pipeline is 800mm, the trench will be 1200mm wide. The depth of the

trench will vary from approximately 1.8m - 4.5m below ground level depending on its location and will be set deeper when sited underneath roads than when sited underneath fields. It is anticipated that the STMP will be of a steel material, although Ductile Iron is another possibility, to be determined once a contractor is appointed.

17. *River Skerne Crossing* – The STMP will cross the River Skerne by way of a pipe bridge consisting of a single 900mm pipeline above and across the River Skerne. The height of pipe bridge would be set at 1200mm above the 1:100 flood level to allow for climate change and freeboard. Concrete abutments will be embedded in the ground at either end of the pipe bridge and will be visible at surface level to support the pipe as it rises from its underground position. A 3m high security fence will surround both ends of the pipe bridge, as required by the Water Industry Act 1991.
18. *East Coast Main Line (ECML) and Tees Valley Railway (TVR) track crossings* – the STMP will cross the ECML and TVR by way of undertrack crossings. These will each take the form of a 1.8m diameter tunnel containing twin 700mm pipelines. The tunnels will be constructed with two shafts either side of the relevant rail line and will have above ground chambers either side to enable either pipeline to be isolated if necessary. It is anticipated that the tunnels will be at a depth of 15m below ground level, although is subject to minor changes following discussions with Network Rail and ground investigations. The tunnel under the ECML is anticipated to be 75m in length, while the tunnel under the TVR is expected to be 106m in length.
19. *Strategic Connections* – The STMP will connect to the existing Northumbrian Water Limited (NWL) assets of Beaumont Hill SR and Long Newton SR. This will involve connecting the STMP directly into the SR cells with associated control valving, sample points, flow and condition monitoring.
20. *Ancillary Structures* – There may be a need for cathodic protection kiosks at some point along the route of the STMP. These are above ground structures of approximately 1m (width) x 1.3m (height) x 300mm (depth), although at this time it is unknown whether any, and if so, how many will be required. There may also be a requirement for kiosks at Beaumont Hill SR and Long Newton SR to house electrical items in a secure and weatherproof environment. The kiosks can vary in dimensions, dependent upon functionality and location, but would be approximately 2m wide, depth of between 0.8 and 1.8m and height of no more than 2.5m. They will have an external radio antenna up to 15m in height. The external material of the kiosks will be either steel or glass reinforced plastic, either green or black in colour.

Temporary Elements of the Proposed Development

21. These are temporary elements of the proposed development required during the construction and restoration phase. These features will be removed following completion of the construction phase and the land restored to its previous condition:
22. *The Working Corridor* – this is the strip of land required for the installation of the STMP and is anticipated to be 30 – 40m in width, although this will vary in some locations

depending on the volume of topsoil and sub-soil to be stored. The working corridor between the ECML and Bishopton Lane will be 50m wide to allow for the transportation of construction vehicles and materials required to install the tunnel under the ECML. The working tunnel will typically comprise a construction fence on either side, areas for the storage of stockpiled topsoil, a cut-off drain, the trench and a haul road,

23. The haul road will run alongside the route of the pipeline to allow construction vehicles to travel and work along the route. It will be of a width to allow for bi-directional traffic, although the design and construction specification will vary according to local ground conditions. Topsoil will be stored as necessary along the working corridor in linear mounds of a maximum height of 2m.
24. *Site Compounds and Welfare* – A number of compounds and welfare facilities are required during the construction and restoration phase of the proposed development, although full details of the precise location and design are unknown at this stage. Although approximate locations are provided with the application, as set out in the following paragraphs, it is proposed that the precise location of each compound and lagoon would be secured by planning condition. At the end of the construction period all site compounds will be removed, and the land restored to its pre-commencement state.
25. The main site compound will be located to the west of the A68 at Burtree Gate and will be required for the duration of the construction period. This site will provide office and meeting accommodation for the principal contractors' staff and client representatives, as well as welfare facilities, car parking and a logistics area.
26. A total of 10 material laydown areas will be required to support the delivery of the materials necessary to construct each stretch of the proposed development. The principal use will be to receive and distribute pipework which will be delivered by articulated lorries. Turning circles will be provided at each area and the storage yard will comprise of a 25m x 35m hardstanding area which will allow stocking of 700m of pipe. Small welfare facilities will also be provided together with parking for 10 vehicles. The area will be enclosed with anti-climb fencing.
27. A number of dedicated satellite compound and logistics areas will be required for some of the strategic crossings at certain points along the route of the STMP as well as tunnel compound areas at each shaft location to enable the construction of the shafts and tunnelling works. Each will also have a lagoon area associated with it to manage any water arising from dewatering shafts if required.
28. *Lagoons* – a number of lagoon areas will be required along the route of the STMP which will be used to temporarily store water used to pressure test, disinfect and flush sections of the installed pipeline. Lagoons will be constructed towards the end of the construction period as they are required only for the commissioning process and once this has been completed the areas will be restored to their previous condition. Precise locations of the lagoons are not yet known, and similarly it is proposed that final details will be secured by planning condition.

29. *Temporary bridge* – during the construction and restoration phase a temporary vehicular bridge will be constructed over the River Skerne to enable the workforce to access area between the River Skerne and the ECML. This will be a bailey type bridge and will carry construction vehicles and plant required to construct the STMP to the east of the river and to undertake the tunnel works under the ECML. This will include a crane and wagons to import materials and export tunnel arisings. Upon completion of the construction works the bridge will be removed and the ground restored to its previous condition.
30. One new permanent vehicular access will be created to serve the proposed development. A new layby is proposed on Patches Lane to allow access to the control equipment at Beaumont Hill SR.
31. The proposed development includes the restoration of the vast majority of the site to its existing condition upon completion of the construction phase which would be secured by planning conditions. The construction and restoration phase of the proposed development is anticipated to last for a period of 39 months from June 2025 to September 2028. Construction will take place as a single phase of development with works on different elements of the proposed development, and on different stretches of the pipeline taking place concurrently, as set out in a high-level construction phasing plan submitted with the application. While this is an estimation of likely timescales in advance of the appointment of a contractor to carry out the works, a planning condition will require the submission of a detailed construction phasing plan should permission be granted.
32. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays. The construction of the tunnels under the TVR, ECML, the A68 and the A167 require continuous construction working to enable safe and efficient operation of the tunnel boring machine, and such activities would therefore take place outside of these working hours which may involve 24 hour working on occasion.

Statement of Community Involvement

33. The applicant has undertaken pre-application public consultation in relation to the proposed development and the results of this have been provided in a Community Consultation Statement submitted with the application. The statement sets out that three public consultation events were undertaken, advertised by leaflet distribution and press release. The leaflet provided information on the proposals and advertised the consultation events.
34. A total of 19 no. individual responses were received using the feedback form (both at the consultation events and via the website). The statement sets out that the results of the questionnaire were positive with 88% of respondents agreeing with the investment by NWL to construct new strategic water pipelines; 81% of respondents agreed that the proposed new strategic pipelines will ensure NWL will continue to provide a service to customers; 86% of respondents agreed that the route of the new water pipeline had

been chosen to cause as little disruption as possible to the local road network and traffic; and 82% of respondents were in favour of the construction of the new pipeline.

35. A number of comments were made on specific issues, including those in relation to impact upon existing water supply and the local highway network from construction vehicles. The statement sets out that issues raised have all been considered and addressed in reports prepared to accompany the application.

Environmental Impact Assessment

36. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, and information arising from statutory consultations and other responses.

MAIN PLANNING ISSUES

37. The main issues to be considered here are whether or not the development is acceptable in the following terms:
- (a) Principle of Development
 - (b) Landscape and Visual Impact
 - (c) Residential Amenity
 - (d) Contaminated Land
 - (e) Access and Highway safety
 - (f) Public Rights of Way
 - (g) Ecology and Biodiversity Net Gain
 - (h) Agricultural Land and Soils
 - (i) Flooding and Drainage
 - (j) Designated and Non-Designated Heritage Assets
 - (k) Housing Allocations
 - (l) Minerals Safeguarding
 - (m) Cumulative Impact

PLANNING POLICIES

38. The following national and local planning policies are relevant to consideration of the application:

Darlington Local Plan (2016 – 2036)

SD1 – Presumption in Favour of Sustainable Development
DC1 - Sustainable Design Principles and Climate Change
DC2 – Flood Risk and Water Management
DC3 – Health and Wellbeing
DC4 – Safeguarding Amenity
H2 – Housing Allocations

H3 – Development Limits

ENV1 – Protecting, Enhancing and Promoting Darlington’s Historic Environment

ENV2 – Stockton and Darlington Railway

ENV3 – Local Landscape Character

ENV4 – Green and Blue Infrastructure

ENV7 – Biodiversity and Geodiversity and Development

ENV8 – Assessing a Development’s Impact on Biodiversity

IN1 – Delivering and Sustainable Transport Network

IN2 – Improving Access and Accessibility

IN3 – Transport Assessments and Travel Plans

IN5 – Airport Safety

Tees Valley Joint Minerals and Waste Core Strategy DPD (adopted September 2011)

MWC4 – Safeguarding of Minerals Resources from Sterilisation

National Planning Policy Framework, 2024

RESULTS OF TECHNICAL CONSULTATION

39. No objections in principle have been raised by the Council’s Highway Engineer, Transport Planning Officer, Public Rights of Way Officer, Environmental Health Officer, Ecologist, Arboricultural Officer, or the Lead Local Flood Authority, subject to conditions.
40. Durham County Council Archaeology and the Council’s Conservation consultant also raise no objection in principle subject to planning conditions. Historic England advise that they do not wish to comment on the application and defer consideration of the proposals to the Council’s conservation and archaeological advisors. The Friends of the Stockton and Darlington Railway advise that the proposed Archaeological Management Plan should record and recover any item or feature of railway heritage significance associated with the excavation of the tunnel under the Tees Valley Railway.
41. National Highways raise no objection subject to a condition requiring the submission of a construction traffic management plan. Network Rail similarly raise no objection in principle subject to conditions and informatives relating to the pipeline route through operational railway land. Teesside International Airport raises no aerodrome safeguarding objection.
42. Natural England raise no objection. The Environment Agency raises no objection to the application subject to planning conditions relating to proposed in-channel and bank works and to protected species (water vole and otter).
43. The Health and Safety Executive (HSE) advise that the proposed development (an underground pipeline) is not relevant development on which to consult the HSE Land Use Planning Team as it would not lead to a material increase in the number of people within a consultation distance. The HSE LUP team therefore has no comment to make.

Northern Gas Network and Northern Powergrid confirm they have no objection to the proposal subject to condition.

44. Active Travel England do not wish to comment on the application.
45. Durham County Council as neighbouring authority raises no objection to the project. The wider benefits acknowledged during the approval of Phase 1, under implementation in Durham, are equally relevant for Phase 2 benefitting residents beyond the county.
46. Whessoe Parish Council raise no objection.

RESULTS OF PUBLICITY AND NOTIFICATION

47. Six letters of objection have been received which raise the following issues. A second letter of objection on behalf of two of the objectors has also been received and these further comments are also included in the list below:
 - *Impact of proposed development on agricultural land and soils*
 - *Evidence of damage experienced during Phase 1 of the pipeline development to drains, causing flooding, environmental impact, soil damage and contamination impacting upon agricultural businesses*
 - *Impact of wayleave/easement on potential for future development/building on farm holdings*
 - *No information provided on how 10% biodiversity net gains are to be achieved*
 - *Impact on delivery of housing forming part of the Skertingham Housing Allocation in this area*
 - *Sterilisation of future housing development sites*
 - *Ecological and environmental impact on the local area and the River Skerne*
 - *Adverse effects on local roads and traffic due to large machinery being used*
 - *Impacts on my property not fully disclosed in regard to the size of the proposed construction compound, length of time on site, installation of external pipeline and security fencing which will have a lasting detrimental effect on my land and views from my property*
48. One letter of representation has been received from the NFU which seeks clarification on matters such as field drainage, soils, pipe depth, construction either as part of the application or by planning condition to safeguard landowners.

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

49. 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, 2024, supports the plan-led system providing that planning decisions should be “genuinely plan-led”.

51. The proposed pipeline will largely be within the more rural parts of the Borough and therefore it is almost completely located outside of the Development Limits of settlements identified in Policy H3 of the Local Plan. The Local Plan is silent on the suitability of operational development such as this outside development limits. Policy DC1 of the Local Plan states that in such circumstances where there are no relevant development plan policies this Council will grant planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework taken as a whole.
52. The principle of this proposal is likely to be acceptable subject to it not being in conflict with any of the Local Plan policies relating to other matters such as biodiversity and ecology, heritage, flood risk, visual and residential amenity, green and blue infrastructure etc. which will be assessed in the following sections of this report. A very small section of the proposed pipeline is proposed to pass across part of the housing site allocation, Site 251 – Skerningham, identified in Policies H2 and H10. An outline planning application, 22/00146/OUT, is under consideration for the area of land to the west of the ECML at Beaumont Hill, and so it will need to be ensured that the pipeline will not significantly affect the delivery of this housing allocation site. This will be considered further elsewhere in this report.

(b) Landscape and Visual Impact

53. Local Plan Policy DC1 states that good design is required to create attractive and desirable places where people want to live, work and invest. Of particular relevance to the proposed development DC1(a) requires that an analysis of the constraints and opportunities of the site and the function of development informs the principles of design, including that the proposal has taken account of the need to safeguard or enhance important views and vistas. The policy further sets out the importance of the layout of the proposal, associated green infrastructure and landscaping to be developed to complement and enhance the ecological function of the local area and character of the built environment, and that any associated landscaping scheme should be developed to enhance both the natural and built environment, retaining existing features of interest.
54. Local Plan Policy ENV3 requires that the character and local distinctiveness of the urban area, villages and rural area will be protected and improved by retaining the openness and green infrastructure. It continues that development should retain and enhance the length, continuity, biodiversity, amenity and heritage value of existing green corridors and historic routes, and that development that adjoins these corridors and routes should positively respond to landscape setting, conserve and enhance traditional landscape features, retain and support their connectivity, and protect and enhance their ecological and heritage value. This relates to existing green corridors in line with Policy ENV4 (in the case of this application this relates to the existing and proposed green corridor which follows the route of the River Skerne) and to the historic routes of the

Darlington/Middleton St George/A66/A67/Stockton corridor, which applies to this development. The policy also outlines that development should set out to retain and improve the special landscape, heritage and ecological qualities of urban and rural parklands (relevant to this application are the parklands at Walworth Castle and Hall Garth which fall within the 2km ES study area) and that development should protect and enhance the natural quality of the rural landscape, where appropriate, reinstating traditional natural and built features.

55. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, which seeks to assess the landscape and visual impact of the proposed development. The LVIA considers the proposed development in the context of the study area which includes the application site, comprising all compound and pipe laydown areas, lagoons and the working corridor for the new STMP, together with a 2km buffer beyond the site. There are several designations within the study area which are of note including Walworth Castle Hotel and surrounding rural parkland, Ulnaby Hall Farm and Thornton Hall, all of which are Grade I listed buildings; Summerhouse and Denton Conservation Areas; and various listed buildings, all located within the study area associated with Section 1 of the pipeline. Section 2 includes Newton Ketton Meadows and Redcar Fields SSSIs to the north of the site; former Stockton and Darlington Railway; Hall Garth (Grade II listed building) and surrounding rural parkland; Ketton Packhorse Bridge (Grade I listed building and a Scheduled Monument); Coatham Mundeville Conservation Area; and various listed buildings. Section 3 includes Sadberge Conservation Area and various listed buildings.
56. The study area also lies in or includes parts of the Natural England National Character Area 23: Tees Lowlands. The study area also falls within a number of landscape character areas (LCAs) as defined by the Darlington Landscape Character Assessment, December 2015.
57. The route alignment of the STMP has been designed to avoid tree and hedgerow loss as far as possible. However, some tree and hedgerow loss is unavoidable and will be mitigated for through compensatory planting. Replacement tree planting will be at a 3:1 ratio with appropriate bare-root whips of native species will be planted. New planting will avoid sites of existing nature conservation value. Where post and wire fencing is lost or removed during construction, new hedgerow planting will be introduced where feasible. Specific details will be defined in the detailed design state to be secured by planning condition.
58. Upon completion of the construction works all temporary elements including site compounds, pipe laydown areas, and haul roads will be removed, and the land restored to its previous condition. The trench of the STMP will be backfilled and the land restored to its previous condition in terms of levels and habitats.
59. If replacement planting is not possible in the areas where vegetation is to be removed due to operational constraints, proposed mitigation measures include native woodland planting in appropriate areas, respecting field patterns and avoiding areas of nature

conservation or archaeological interest; hedgerows assessed as 'gappy' will be improved through additional planting of appropriate native species; and tree planting within existing hedgerows using appropriate native species and in suitable locations. The species, density, size and location of all replacement planting will be provided to align with this approach which would also be secured by planning condition.

60. In addition, a Framework Construction Environmental Management Plan (CEMP) has been submitted which includes measures or principles, to reduce adverse effects on landscape and visual amenity. These include lighting during the construction phase being designed to minimise light pollution during the hours of darkness and site fencing and hoarding around the construction sites being well maintained throughout the construction period. The measures in the Framework CEMP will be taken forward in a detailed CEMP to be secured by planning condition.
61. The construction and restoration phase is anticipated to last for a period of 39 months and is likely to be broken down into sub-phases of construction, as set out in the high-level anticipated construction phasing plan. Construction phasing is relevant to the assessment of landscape and visual effects in that the duration of the impacts is directly related to the length of the construction period. Details of the final phasing plan would be secured by condition.
62. The LVIA sets out an assessment of potential landscape and visual effects during the construction and restoration and operational phases. During the construction and restoration phase, the temporary elements of the proposed development (i.e. compounds, material laydown areas) and construction activities will be visible in the landscape. The impacts of this vary across the receptors, and in some cases will lead to new, sometime prominent, features being added to the landscape, and a temporary, partial alteration to the condition, tranquillity, and scenic quality of the receptor. The potential effects on the landscape receptors range from Negligible (Not Significant) to Major Adverse (Significant).
63. Those landscape receptors where a Moderate Adverse (Significant) or Major Adverse (Significant) effect is predicted during the construction phase include Landscape Character Area (LCA) 3 - Denton and Walworth Farmland; LCA4 – Whessoe and Dene Beck; LCA5 – Upper Skerne Valley; LCA7 – Bishopton Vale; LCA8 – Middleton Farmland; LCA – West Stockton Rural Fringe (within Stockton BC). In all cases, this effect reduces to Minor Adverse (Not Significant) in Year 1 during operation, and to Negligible (Not Significant) at Year 15 once the proposed mitigation has matured and signs of disturbance resulting from construction activities is no longer apparent.
64. During the construction and restoration phases of the proposed development, the scale of impact on identified visual receptors will vary, and in some cases the works will result in substantial changes that are incongruous with the existing views. The potential effects on the visual receptors range from Minor Adverse (Not Significant) to Major Adverse (Significant). Significant effects (Moderate and Major Adverse) are predicted at a total of 24 out of the 28 visual receptors assessed, which include recreational users of the public

rights of way network, residents of individual properties/farmsteads and villages, and road users.

65. At all but one of these receptors the effect would reduce to Minor Adverse (Not Significant) in Year 1 of the operational phase and to Negligible (Not Significant) in Year 15 as mitigation matures. A Moderate Adverse (Significant) effect would remain at Receptor 19 (Recreational users of Brafferton Bridleway No. 1, looking south) due to the presence of the pipe bridge over the River Skerne which will be a permanent feature close to this receptor point. The effect will however reduce to Minor Adverse (Not Significant) in Year 15 as the proposed mitigation matures, although the pipe bridge will remain a permanent feature in views. The impact of the proposed pipe bridge and security fencing upon an individual property, Little Acres, Ketton Lane, has been raised by objection. This will be considered in the residential amenity section of this report.
66. The effects of the development would be temporary for varying durations over the course of the construction period. The embedded mitigation would ensure that effects reduce over time and assimilate the development into the local area such that no significant landscape and visual effects will remain during the operational period. As such, the proposed development would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views once the development is complete and the restoration phase has been implemented.
67. Subject to the mitigation measures set out in the Construction Environmental Management Plan and the implementation of the Landscape and Environmental Management Plan both of which would be secured by condition, the impacts of the proposal upon the landscape are considered to be acceptable and the proposal is therefore considered to meet the requirements of Local Plan Policies DC1 and ENV3 in this regard.

(c) Residential Amenity

68. Local Plan Policy DC3 states that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions or all existing and future occupants of land and buildings, the character and appearance of the surrounding area and the landscape. The policy also requires that a Health Impact Assessment (HIA) be submitted with all major planning applications to explain how health considerations have informed the design of the development. A HIA has been submitted with the application which follows the Council's HIA guidance.
69. Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported where it suitably located and is acceptable in terms of privacy and overlooking; access to sunlight and daylight; and visual dominance and overbearing effects in relating to the

form of built development. In terms of the use of land and buildings, including traffic movements and hours of operation, new development will be assessed in terms of noise and disturbance; artificial lighting; vibration; emissions from odour, fumes, smoke, dust, etc; and commercial waste.

70. The Environmental Statement considers the impact of the proposed development in terms of noise and vibration. There are no anticipated noise or vibration effects during the operational phase of the proposed development since this will only entail maintenance visits and any required maintenance works which are to be minimal, and this has been scoped out.
71. Noise and vibration associated with the construction phase of the development only has therefore been considered, following the guidance in BS5228—1:2009+A1:2014 (ABC method for construction noise and peak particle velocity (PPV) for vibration) relating to the assessment of effects at closest NSRs (noise and vibration sensitive receptors). Construction traffic noise has been assessed in accordance with the methodology in DMRB LA₁₁₁ (2020). In order to align the assessment of significance with the guidance in the Noise Policy Statement for England values of LOAEL (lowest observed adverse effect level) and SOAEL (significant observed adverse effect level) for construction noise and vibration have been defined.
72. Although the route of the STMP runs predominantly across agricultural land, excluding the urban area of Darlington, a total of 33 no. sensitive receptor locations have been identified and considered in the assessment. These are mainly residential properties, predominantly on relatively rural farmsteads, and also includes two non-residential receptor locations.
73. Given the nature of the proposed works there are various compounds proposed along the length of the development. The main compound is located north of the A1(M) and just west of the A68 (opposite Kimberley caravans). There will also be a series of satellite compound areas along the development, as well as material storage areas, lagoons and mobile welfare cabins. Noise sources relating to the development include, but are not limited to, noise from plant, general construction activities, shafts and tunnelling, as well as noise from construction compounds, material laydown areas and haul roads. The main vibration sources are expected to be associated with tunnelling works and use of vibratory rollers at road crossings.
74. Proposed works hours are to be between 07.00 – 18.00 Monday to Friday and 07.00 – 14.00 on a Saturday with no working on Sundays or Bank Holidays. This is with the exception of tunnelling works which is to take place 24/7 to enable safe and efficient operation of the tunnel boring machine. Tunnelling is required under the Tees Valley Railway, East Coast Mainline, A68 and A167 with 8 no. tunnelling compounds proposed in these areas. The proposed start time of 07.00 is earlier the Council's standard construction hours condition would allow (08.00). On this occasion, given the location(s) and nature of the development, and as any impacts will affect different receptors at different times and not for the entire duration of the works due to the phased nature of

the construction activities the Council's Environmental Health Officer has no issue with the proposed earlier start time. Furthermore, delaying the start time would influence the overall timescale for the completion of the works and duration of the impacts on some receptors.

75. The assessment concludes that temporary significant residual effects are anticipated at five receptors, even with the implementation of a temporary noise barriers, in relation to construction noise and one receptor in relation to construction vibration. A Construction Noise and Vibration Management Plan should be prepared (as part of a Construction Management Plan) to detail mitigation/measures to be implemented to minimise noise impacts as far as reasonably practicable, including the proposed temporary noise barriers. A Framework Construction Environmental Management Plan has been included with the application which outlines the broad principles that will be covered in a site-specific Construction Management Plan to be covered once a Principal Contractor has been appointed.
76. An objection has been received from the owner of a group of buildings known as Little Acres on Ketton Lane regarding the impact of proposed construction activities and the siting of a compound adjacent to these buildings. The objection also relates to long term visual impacts arising from the pipe bridge over the River Skerne and the associated security fencing and the impact this would have on the outlook and amenity from this property.
77. Little Acres currently comprises a group of farm buildings. A prior approval application, 23/00162/PA, for the conversion of some of these buildings to form 2 no. dwellings was granted in June 2023 although at present has not been implemented but remains extant until June 2026. A further planning application, 24/01079/FUL, for more extensive conversion, extension and alteration works to the buildings to form a single dwelling and annexe, remains undetermined.
78. This group of buildings has not been identified as a sensitive receptor for the purposes of the noise and visual impact assessments within the ES. The adjacent property, Ketton Lodge, some 200m to the west is however identified as a sensitive receptor in the noise and vibration assessment which provides an indication of likely impacts to both properties given the relative proximity of the pipeline and compound to both properties. It is proposed that a temporary site compound would be formed on land to the south of the buildings at Little Acres and there is the potential therefore for these properties, once converted and occupied, to be impacted by construction activities in terms of noise, nuisance, and disturbance and in terms of outlook from these properties during this phase of the development.
79. Given however that the extant prior approval has not been implemented, it is feasible that construction of the pipeline and conversion of the buildings to residential use could take place concurrently such that occupation of the dwellings may not occur until the construction of the pipeline is nearing completion or has been completed. There also

remains the possibility that the permission is not implemented in which case there would be no impact to this property.

80. Details of the layout of all temporary site compounds are the subject of a planning condition and require the approval of the Local Planning Authority, together with any mitigation measures necessary. In addition the phasing plan condition will require the applicant to identify which stages of the development will take place when such that the impacts of the construction phase will not be for the full duration of the construction phase along the entire route of the pipeline. These conditions will therefore allow for the layout of the compound to take account of whether or not work has commenced on the conversion of the buildings at Little Acres and how this would interact with this phase of the construction period. There would also be limits on working hours controlled by condition. No noise impacts are predicted during the operational phase of the development.
81. The proposed temporary site compounds and associated construction works will also be clearly visible from Little Acres. Should the conversion of these properties be completed and occupied while the construction period is on-going the potential for significant visual effects remains during this temporary period. Similarly this can be accounted for in agreeing the details of the layout of these temporary areas to seek to reduce this impact during this time. As set out in the previous section of this report, the LVIA undertaken as part of this application concludes that the visual effects of the proposed development would reduce to Minor Adverse (Not Significant) in Year 1 of the operational phase and to Negligible (Not Significant) in Year 15 as landscape mitigation planting matures.
82. The impact of the pipe bridge and security fencing on the outlook from these properties once converted has also been raised. The pipe bridge would be located approximately 200 metres away from the southern boundary of the land and buildings at Little Acres. While the pipe bridge and security fencing may be visible from these properties, at this distance this is unlikely to result in significant adverse impacts on the outlook and visual amenities of these properties, particularly as the effects will reduce over time as mitigation matures.
83. Air quality was scoped out of the Environmental Impact Assessment; however a standalone Air Quality Construction Dust Assessment has been submitted with the application which considers air quality and dust risk associated with the construction of the proposed development. Construction traffic and operational emissions have been scoped out of the assessment, as construction traffic generated in to be below the relevant screening criteria, and once operational the only traffic generated will relate to visits for maintenance and repair which will not have significant effects.
84. In terms of the construction phase, the assessment has identified that dust risks (dust soiling and health effects) falls within the low to medium risk category for earthworks, construction, and trackout. It is recommended that mitigation measures should be introduced to reduce the risks which includes development of a dust management plan, carrying out regular site inspections and use of water for dust suppressions. This is

matter is covered in the recommended construction environmental management plan condition.

85. Lighting is likely to be required as part of the development to enable construction. No new or permanent external lighting is proposed as part of the proposed development. A condition requiring details of lighting required in connection with the construction phase of the proposed development is therefore attached.
86. Overall, it is not considered that proposal would have an unacceptable impact upon living or working conditions in terms of noise, air quality, dust, light pollution, or visual impact, subject to the imposition of planning conditions set out above. The proposed development would provide an acceptable standard of residential amenity in accordance with Policies DC3 and DC4.

(d) Contaminated Land

87. Local Plan Policy DC1(h) states that proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment.
88. Contaminated land was scoped out of the Environmental Impact Assessment and this matter is not, therefore, considered as part of the Environmental Statement. Extensive ground investigation works have been carried out on the site comprising soil sampling/testing, gas monitoring and groundwater sampling/testing, the results of which are set out in Geo-Environmental Assessment Report and accompanying documents.
89. The report sets out that there are no anticipated risks to human health from soils and it is assumed that construction will follow good practice (Construction Phase Plan and Construction Environmental Management Plan to be in place to prevent risks during construction. However, reference is made to the risk from asbestos identified in soils close to the Tees Valley Railway crossing needing to be assessed by an appropriately licensed specialist as this has not been included in the conceptual site model. The Council's Environmental Health Officer has advised that this assessment should be secured by planning condition with the assessment report and any scheme of mitigation/remediation being submitted to the Local Planning Authority for approval.
90. While some elevated concentrations of contaminants were found the overall risk to controlled waters was not considered significant either due to being considered representative of background concentrations, the exceedances being only marginal, the limited identified pathways or the low sensitivity of receptors. In relation to risks to the water supply pipework, the proposed construction of the pipeline is understood to be of steel. No risk was identified from soils to be corrosive to wrapped steel pipes and no additional protection measures are anticipated to be required.

91. In terms of ground gas risk a screening value of 0.38l/hr has been calculated, equating to a Characteristic Situation rating of CS2 low risk in accordance with CIRIA C665, in relation to the area around the Tees Valley Railway crossing tunnel construction. It is acknowledged that CIRIA C665 guidance is based on the construction of new buildings and, therefore, may not be appropriate for the proposed TVR tunnelled pipeline crossing as no buildings will be created. Ground gas monitoring also recorded concentrations of carbon dioxide above the workplace exposure limits (WEL) and concentrations of oxygen below the WEL. The Principal Contractors will be expected to manage any risks (gas accumulation in confined spaces) as part of their usual health and safety arrangements/risk assessments/working procedures.
92. Subject to a condition requiring the submission of an asbestos assessment report and a further condition requiring details of any unexpected contamination found at any time during the construction period, the Council's Environmental Health Officer raises no objection to the application in terms of contaminated land. The proposal is therefore considered to comply with the requirements of Local Plan Policy DC1(h) in this regard.

(e) Access and Highway safety

93. Local Policy DC1 requires that new development proposals provide suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4. Policy IN3 requires the preparation and implementation of Travel Plans, Transport Assessments to promote the use of sustainable transport for journeys to work, training and education. Major developments will be required to engage in the Travel Planning process and produce a Transport Assessment.
94. The proposed pipeline route and working corridor requires multiple crossings within the public highway within the Borough including east to west: Cock Lane, B6275 Station Road, B6279 Staindrop Road, Walworth Road, unnamed road through Walworth, Back Lane, A68 West Auckland Road, Burtree Lane, A1(M), A167 Beaumont Hill, Bishopton Lane, Hillhouse Lane, and Norton Back Lane.
95. Working methods are to be employed to minimise disruption to the public highway as far as practicable, with a trenchless tunnelling technique to be used on major routes to avoid the need for road closures, such as the A167 at Beaumont Hill and on the A68 West Auckland Road. Highway works will be required to create the vehicular accesses serving the compounds and pipe laydown areas, details of which will be secured by planning condition. Details of accesses at three locations are however provided: A68 West Auckland Road, A167 Beaumont Hill, and Stockton Road.
96. While the Highway Engineer raises no fundamental objection to the use of these locations, further clarification is needed on the temporary hedgerow removal and visibility splays to be delivered, particularly at the A68 West Auckland Road access. Further discussion and clarification will therefore be required as part of the details to be secured by planning condition.

97. The proposal is likely to have some disruption to the local highway network and its users during the construction phase, primarily caused by the need for works to cross the public highway in multiple locations, many of which will require short duration road closures with local diversion routes, or temporary traffic signals. Traffic management requirements are to be established on a site by site, or phased basis. It is confirmed that the routes to site will as far as practicable be made from the strategic road network, avoiding any HVG routing via villages. Deliveries and plant movements will be predominantly via the internal haul road network to minimise disruption and vehicle movements on the public highway.
98. The Environmental Statement considers the impact of the proposed development on traffic and transport during the construction and restoration phases. Impacts during the operational phase have been scoped out of the assessment given that such impacts will be limited to infrequent maintenance activities. No overall trip generation is stated within the submitted information; however it is accepted that all traffic generation will be diffused across the highway network given the expansive nature of the works.
99. Junction capacity assessment has been undertaken on routes to the site and any junction subject to an increase in 30 or more peak hour two-way trips during the construction and restoration phase has been subject to operational capacity assessment using appropriate local junction modelling software. Whilst this generally demonstrates that each junction subject to assessment will still operate within capacity, significant localised queuing and driver delay is identified due to the proposed closure of Burtree Lane as a result of the proposed works in this area.
100. The closure is expected to be for a maximum period of 15 weeks and is required where the pipeline is to be routed within the highway boundary of Burtree Lane, to avoid more severe impact associated with the pipeline crossing the A1(M). While the closure of Burtree Lane is acknowledged, this is to be minimised with an additional team of contactors dedicated to this phase to minimise the duration of the closure, along with advanced warning signage to drivers to warn of additional traffic and delays during peak hours. Notably, at least part of the duration of the temporary closure of Burtree Lane is anticipated to coincide with the school summer holidays, a period traditionally associated with lower background traffic levels.
101. The Transport Assessment (TA) does not confirm the number of workers on site. The applicant has advised that this information is not known at this stage, however details will be provided by condition to inform the parking requirements for workers parking provision within the site compound areas, which must be sufficient to ensure that overspill parking does not occur on the public highway.
102. Exact details of the phasing of the development, together with a Construction Traffic Management Plan and Construction Environmental Management Plan which will provide details of measures to seek to restrict the number of deliveries and access to working sites during highway peak periods will be secured by planning conditions.

103. Whilst the delivery of the pipeline project may be concurrent with other major works and infrastructure projects within the Borough, no fixed timescale for the delivery of the works can be agreed at this stage. The Council as Local Highway Authority has other means to control such conflicts, and any conflicting works will be managed via the New Road and Streetworks Act (NRSWA) to minimise disruption and cumulative impacts on the highway network.
104. Whilst some disruption is anticipated during the construction and restoration phases, this is primarily owing to local road closures and diversion route where the pipeline must cross the public highway using open trench excavation. The requirement to this major infrastructure project is understood, which subject to appropriate conditions being secured, can be delivered without presenting a severe impact on the local highway network. Any disruption associated with the construction and restoration works is also temporary, with the operational phase of the development creating only occasional vehicle trips for inspection and maintenance. On this basis the Highway Engineer raises no highway objection.
105. National Highways has also commented on the application since the proposal will interact with the A1(M) and A66 forming part of the Strategic Road Network (SRN) during the construction and restoration phases. National Highways has confirmed that they are satisfied there will be no significant traffic impact upon the SRN during the operational phase, once works are completed.
106. During the construction phase the Long Newton Interchange on the A66 will be used for access to/from the Long Newton Reservoir and laydown area. This part of the site is located within Stockton Borough Council's administrative area, however following the submission of further details relating to visibility splays, National Highways has confirmed it has no in principle objection to this aspect of the proposed development. Similarly, they have confirmed they are satisfied that the development proposals will not have a significant impact upon the safe or efficient operation of A1(M) Junctions 58 and 59 during the construction phase. Subject to a condition requiring the submission of a Construction Traffic Management Plan they raise no objection to the application.
107. Subject to the conditions outlined above it is not considered that the proposed development would result in a severe impact on the local or strategic road networks and the proposal is considered to meet the requirements of Local Plan Policies DC1, IN3 and IN4.

(f) Public Rights of Way

108. Local Plan Policy IN1(a) seeks to protect existing footpaths, cycle routes and bridleways from development which would impair their function for recreation and seeks to protect and enhance public rights of way as set out in the Rights of Way Improvement Plan forming part of the Darlington Green Infrastructure Strategy. Policy IN2 requires all developments to provide safe access to the Borough-wide cycling and walking network including links to the Public Rights of Way Network and other routes.

109. The route of the STMP crosses or runs close to 17 public rights of way (PRoW), some of which are crossed multiple times. The submitted Framework Construction Environmental Management Plan (CEMP) states that where the proposed development would intersect the PRoW network, the contractor will implement the following hierarchy during construction, or a combination thereof, to minimise disruption to the public:
- a. Maintain the PRoW with appropriate surfacing across the working width except for short, manned closures with associated health and safety protection;
 - b. Divert the PRoW within the working width with associated health and safety protection and footpath surfacing; or
 - c. Agree a diversion route for the PRoW with the Local Authority and general public through consultation and install it, with associated signage and surfacing works when neither of the first two actions are viable.
110. While the amenity of pedestrians using PRoWs that cross the pipeline route or working corridor would be affected by diversions or short manned closures, these would only be temporary while construction and remediation works are taking place in an area affecting specific PRoWs. Whilst precise details as to whether it will be necessary to either divert or temporarily close PRoWs are not yet known, it is considered that the mitigation hierarchy proposed is an acceptable approach to deal with the interaction of the development within the PRoW network.
111. The Council's Public Rights of Way Officer has raised a number of issues regarding maintenance of the surface of PRoWs, the reinstatement of PRoW furniture, and to ensure that all affected PRoWs are kept open and safely passable, or else temporarily closed, which are all addressed and would be dealt with as part of the mitigation hierarchy. The proposal would not therefore conflict with the requirements of Policies IN1(a) and IN2.

(g) Ecology and Biodiversity Net Gain

112. Local Plan Policies ENV4, ENV7 and ENV8 are of relevance to ecology and biodiversity. Policy ENV4 seeks to protect green and blue infrastructure, and where appropriate, improve and extend it, to provide a quality, safe and accessible network of well connected, multi-functional open spaces for recreation and play and to enhance visual amenity, biodiversity, landscape and productivity. Policy ENV7 states that 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.
113. Policy ENV8 states that development proposals will be required to provide net gains in biodiversity (prevailing in national policy) and demonstrate achievement of this using the DEFRA Biodiversity Metric...and...where a development proposal cannot avoid significant harm to biodiversity following the consideration of avoidance measures and mitigation, as a last resort, suitable compensatory measures must be incorporated, including the

creation of priority habitats, with the first priority being on-site provision. Only with adequate reasoned justification will any off-site compensatory measures be permitted, with any such provision agreed to be adequate and appropriate secured by Section 106 agreement.

114. The impact of the proposed development has been assessed as part of the ES, which is supported by a Preliminary Ecological Appraisal report, an Aquatic Ecology Baseline Report, a range of protected species surveys and reports, a bird technical report, and a river physical habitat assessment. The Council's Ecologist has reviewed these reports and surveys forming part of the ES and is satisfied that the ecological surveys and reporting have been undertaken using best practice guidelines and in line with current legislation. It is recommended that all works, including embedded mitigation, are conducted in line with the recommendations set out in the ES.
115. The site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar Sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR).
116. Two SSSIs are present within 2km of the site; Redcar Field SSSI and Newton Ketton SSSI, designated due to the presence of fen vegetation and unimproved hay meadows, respectively. These sites are considered to be of national importance. Drinkfield Marsh LNR is located 940m south of the site and supports a large lake with associated reedbeds and grassland habitat and considered to be of county importance. While Redcar Field SSSI and Meadow Ketton SSSI are located within 100m of watercourses which bisect the site, these SSSIs are located upstream of the site and there are not considered to be any potential impact pathways upon these designated sites. They are therefore scoped out of the assessment. Due to the lack of hydrological connectivity and other impact pathways, there are no anticipated impacts on Drinkfield Marsh LNR which is also scoped out.
117. Twelve Local Wildlife Sites (LWSs) are identified within 2km of the site. These are non-statutory designated sites, although are designated due to their value across the Tees Valley area and are therefore considered to be of county value. No LWSs are located within the site, although Foxhill Quarry LWS, Burtree Gate Marsh LWS, Oxbow Lake LWS, and Newton Grange Farm LWS are located within 250m of the site.
118. The ES concludes that the proposed development would have some impact on the LWS scoped into the assessment, but with the implementation of measures set out in the Framework Construction Environmental Masterplan (CEMP) this will ensure that the predicted impact is considered to be negligible at county level, with an overall effect of Negligible Adverse or Not Significant.
119. For habitats, there would be a Moderate Adverse and Significant impact on hedgerows due to the need to remove approximately 2km of hedgerows during the construction period, but which would be reinstated during restoration. This impact would be temporary given the reinstatement of hedgerows, and the magnitude of this impact will

reduce over time as the reinstated hedgerows mature. There would be no significant impacts upon habitats of local value.

120. There will be a temporary loss of breeding bird and ground nesting habitats, potential for disturbance to identified bat roosts which are to be retained as well as temporary severance of linear habitats (hedgerows and watercourses) that could disrupt bat commuting and foraging routes. Three single entrance outlier badger setts (one active and two partially used) as well as three disused setts would be permanently destroyed during construction works. Five potential resting sites for otter would be lost, three temporarily during construction works and two permanently. No evidence of water vole was identified although there would be a temporary risk of a direct impact should a pollution event occur during construction. Embedded mitigation will reduce this impact.
121. Great Crested Newts have been scoped out of the assessment following survey results which suggests the likely absence of GCN from the site. There will be temporary habitat loss for harvest mice, brown hare, hedgehog, toads and frogs. There will be some disturbance to fish behaviour in the River Skerne, and some disturbance to fish habitat during the construction period.
122. However, the proposed development would provide a series of significant and positive mitigation and compensation measures into the design of the development. Full details are provided in the Environmental Statement and can be secured by planning condition. The measures include promoting diversity within grassland, translocation and reinstatement of important hedgerows, flumes in certain watercourses to ensure conditions are similar to that of the current channel, and the erection of bird and bat boxes. In addition to these measures, the site is not located within any nationally or locally protected site. As such, in the context of the proposed mitigation which can be secured by planning condition, the proposal accords with Policies ENV4 and ENV7.
123. A Statutory Biodiversity Net Gain (BNG) metric and Biodiversity Net Gain Design Stage Report have been submitted with the application. These have been considered by the Council's Ecologist who is satisfied that the assessment of onsite baseline habitats is correct and have been conditioned scored correctly. A loss of -2.46 Habitat Units (-0.47%) is recorded and in order to achieve the mandatory 10% net gain there is a requirement to find 54.48 habitats. The Design Stage Report identifies that this will be delivered off-site, primarily at a site near Sadberge. Precise details of the proposed BNG works will be included within the Biodiversity Gain Plan (BGP) in accordance with Section 90A of the Town and Country Planning Act 1990 (inserted by Schedule 14 of the Environment Act 2021). The BGP will be submitted to the Council when the discharge of the mandatory BNG planning condition is sought.
124. While Policy ENV8 sets out that as a first priority net gains should be provided on-site, given the nature of the proposed development it is not possible to make on-site provision. Once the development is complete and operational NWL will retain an easement over the pipeline route but will otherwise have no rights over the land to provide and maintain BNG land for the required 30-year period. As such there is no

alternative in this instance but to make provision for off-site BNG. This is considered to amount for appropriate reasoned justification to meet the requirements of Policy ENV8. A condition requiring the submission of a Habitat Management and Monitoring Plan (HMMP) is also attached. A fee to cover the Council's costs of reviewing the monitoring reports over the 30-year period is to be secured by Section 106 agreement.

125. Natural England has raised no objection to the proposed development and considers that it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. The Environment Agency has also raised no objection, subject to conditions requiring further details of works to be undertaken within and affecting watercourses across the application site and a plan detailing the protection of water vole and otter and their associated habitats to be submitted for approval.
126. It is considered that the proposal would not negatively impact upon any nationally or locally protected sites, subject to the embedded mitigation measures set out in the ES. This would be secured by the various conditions outlined in this section of the report, together with the provision of off-site BNG which would be secured by Section 106 Agreement and Biodiversity Gain Plan. On this basis, the proposal is considered to accord with Local Plan Policies ENV4, ENV7 and ENV8.

(h) Agricultural Land and Soils

127. The National Planning Policy Framework, 2024 (NPPF) highlights in paragraph 187 that the planning system should contribute to and improve the natural and local environment by protecting and enhancing soils. It also reinforces that the economic and wider benefits of 'Best and Most Versatile' (BMV) agricultural land should be recognised. As part of this, the framework outlines that where significant development on agricultural land is demonstrated to be necessary, areas of poorer quality land (Agricultural Land Classification grades 3b, 4 and 5) should be used in preference to those of higher quality grades (grades 1, 2 and 3a). This directly relates to the ALC framework which determines the quality of agricultural land in accordance with a suite of key soil properties, confirmed through intrusive survey.
128. In order to consider the proposal's impact upon soils an Agricultural Land Classification (ALC) and Soil Management Plan was submitted with the planning application. This document assesses the agricultural land classification of land along the route of the proposed pipeline as well as its quality. The ALC report concludes that the majority of the surveyed area is Subgrade 3a land, accounting for 70% of the total area. Grade 2 land accounts for 12% of the surveyed area and Subgrade 3b accounts for 18% of the total area. Overall, 82% of the surveyed area is BMV land (grades 1, 2 and 3b).
129. Soil types along the route of the pipeline were also assessed so that a Soil Management Plan (SMP) could be prepared to ensure that the soil is appropriately dealt with, stored and reinstated post construction of the pipe. The SMP outlines detailed measures that will be undertaken at various stages in the construction process to ensure that there would be no unacceptable impact upon the quality of soils along the route. The

submitted Agricultural Land Classification and Soil Management Plan sets out how soils along the route of the pipeline should be handled and reinstated in order to allow the development to proceed. The contractor will be required to follow and adhere to the requirements of this Plan, which will be secured by planning condition, and as such it is considered that there would be no unacceptable impact upon the quality of soils along the route of the pipeline. Although the development site involves a significant proportion of BMV land it is not expected that there will be any permanent land-take, and instead all stripped soil will be reinstated following construction and restored to its pre-development condition.

130. The concerns of objectors regarding the potential impact the proposed development will have upon agriculture and in particular potential damage to soils, field drainage and soil productivity are noted. Objections cite examples of this from Phase 1 of the development. For the reasons explained, the submitted SMP should ensure that there will be no unacceptable impact upon the quality of soils along the route of the pipeline. Compliance with the SMP is to be secured by planning condition. The pipeline will be constructed with a 6m easement either side to protect the STMP post-construction, however given that the pipeline runs primarily through rural areas, it is not expected that this easement would unduly affect any landowner. The agent further advises that the route of the pipeline was selected to ensure that this is the case with the route altered, where technically possible, to meet landowner requirements.
131. Outwith and beyond consideration of the planning application, in accordance with the Water Industry Act 1991, NWL compensates landowners who suffer losses as a result of NWL's statutory undertakings in relation to the construction of the pipeline. Acknowledging the wider public benefits of the scheme and securing compliance with the SMP by planning condition, the proposal is not considered to conflict with the relevant paragraphs of the NPPF in this regard.

(i) Flooding and Drainage

132. Local Plan Policy DC2 aims to focus new development in areas of low flood risk and expects all new development to be designed to mitigate and adapt to climate change and flood risk. Policy DC3 also sets out that all new development that may cause groundwater or surface water pollution, will be required to incorporate measures to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the landscape.
133. The proposed scheme, comprising a water transmission pipeline, can be classified as 'water compatible development'. Most of the scheme is in Flood Zone 1. Due to the nature of the pipeline it is not feasible to avoid passing through some of the watercourses, and it is therefore not feasible for the scheme to be entirely in Flood Zone 1. This is acceptable for water-compatible developments as states in the Planning Policy Guidance.

134. The pipeline will intersect Flood Zone 2 and 3 at six locations. The pipeline will pass below 11 watercourses, with the River Skerne being crossed using a pipe bridge. A range of temporary assets including main compounds, satellite compounds, material laydown areas, tunnel compounds and temporary lagoons are required to construct the proposed scheme.
135. The Environmental Statement considers the effects of the proposed development on the Water Environment. Twenty-four receptors were scoped into the assessment, seven surface water receptors, and seventeen groundwater receptors. The assessment of potential effects considers the sensitivity of each receptor; a description and the magnitude of any impacts, taking embedded mitigation measures into account; and the significance of any effect.
136. A Framework Construction Environmental Management Plan (CEMP) has been submitted with the application which details the key measures and principles that will be adhered to during the construction and restoration phase of the proposed development and forms part of the embedded mitigation. The measures in the Framework CEMP will be taken forward in a detailed CEMP which will be secured by planning condition prior to the commencement of development. Key measures and principles set out in the Framework CEMP include: suitable site layout arrangements; requirements for the storage of fuel, oil, chemical and other hazardous substances (including chlorinated water within surface lagoons) to minimise the risk of accidental environmental discharge; a pollution prevention plan, including emergency spill procedures; water runoff and silt management measures; an erosion prevention and sediment management plan; and details of site (including site compounds and pipe laydown areas) drainage showing connections to existing road/mains drainage network, and not discharged directly to the environment.
137. Any proposed licenced activity (e.g. surface water or groundwater discharges) will be subject to and follow the relevant permit requirements and restrictions. The design of the proposed development includes measures to minimise impacts on the water environment where the STMP crosses watercourses which include: where temporary flume or piping of the watercourse is required during construction it is suitably sized and specified (to comply with the CIRIA Culvert, Screen and Outfall Manual) to prevent fish movements being impeded and to prevent erosion of the channel; excavations for watercourse crossings will be undertaken 'in the dry' with watercourses diverted or over-pumped to minimise erosion and minimise the release of excessive suspended solids; the River Skerne Pipe Bridge will be set 1200mm above the 1:100 flood level to take account of climate change and the concrete abutment set back from the river channel to prevent scour/erosion under high flow and prevent adverse hydro morphological or water quality impacts on the River Skerne; and best practice measures will be followed during grouting of the tunnels under the TVR and ECML to ensure no significant loss of grout to the aquifer.
138. During operation, no impacts are anticipated on the water environment. Should a leak develop in the pipe as it will be carrying potable water no impacts on water quality would arise. The ES identifies a number of Moderate Adverse (Significant) effects on some

sensitive receptors during the construction and restoration phase, however adherence to the measures and principles set out in the Framework CEMP throughout this phase should prevent any surface or groundwater water quality impacts. As such no impacts relating to water quality arising from the deposition or spillage of soils, sediment, fuels or other construction materials, discharge from lagoons, or through uncontrolled site runoff are predicted.

139. The ES includes further measures, in addition to the embedded mitigation measures, to seek to reduce these residual significant effects during the construction and restoration phase. These include detailed watercourse crossing design and reinstatement to ensure watercourse flows are maintained within the River Skerne and the installation of clay stanks along the pipeline to reduce the temporary and permanent impacts associated with the creation of a preferential groundwater flow pathway during construction by preventing groundwater flow along the route of the pipeline.
140. It is considered that as a result of mitigation measures, both embedded and additional, all effects have been reduced and are considered to be either negligible or minor adverse and not significant in terms of the effects on the Water Environment.
141. The application is also accompanied by a Flood Risk Assessment (FRA). The below-ground pipe will primarily be located in Flood Zone 1, although will intersect Flood Zones 2 and 3 at six locations. The NPPF requires a sequential, risk-based approach to be applied to all plans. The sequential test aims to steer new developments to locations in Flood Zone 1, where flood risk is lowest.
142. The proposed scheme comprising a water transmission pipeline can be classified as 'water compatible development'. Due to the nature of the pipeline it is not feasible to avoid passing through some watercourses, and it is not therefore feasible for the scheme to be entirely located in Flood Zone 1. This is acceptable for water-compatible developments as stated in the Planning Policy Guidance. The Exception Test is not required as the proposed scheme is a 'water compatible development'. Much of the pipeline located within Flood Zones 2 and 3 will be underground, with the exception of the pipe bridge over the River Skerne. The pipe bridge will be constructed at a sufficient elevation so as not to be at risk of flooding.
143. A range of temporary assets including main compounds, satellite compounds, material laydown areas, tunnel compounds and temporary lagoons are required to construct the proposed scheme. There are operational constraints on where these temporary assets can be placed including reasonable access to welfare facilities, limiting environmental impact, transporting materials, and topography for the temporary lagoons. The FRA concludes that there are no practical alternative sites for the proposed works given the operational requirements of the pipeline, the need to avoid land allocated for development and sensitive land use designations and as such it is considered that the Sequential Test has been satisfied.

144. The assessment of flood risk during construction and operation has identified that the proposed scheme and construction works are exposed to fluvial flooding. The proposed scheme has the potential to cause surface water flooding and artificial flooding during the construction and operational phases. The FRA presents a range of mitigations to be put in place to manage these hazards to people and property.
145. The FRA demonstrates that the proposed scheme will be safe to operate and will be operationally resilient over its 80-year lifespan and that there will be no detrimental change in flood risk elsewhere because of the proposed scheme. Neither the Environment Agency nor the Lead Local Flood Authority raise an objection subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and requiring the development to be carried out in accordance with the submitted FRA. Subject to these conditions being adhered to, the proposed development would not lead to increased flood risk, either on or off site, and the proposal is therefore considered to comply with the requirements of Local Plan Policies DC2 and DC3 with regard to flood risk.

(j) Designated and Non-Designated Heritage Assets

146. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. If harm is found this gives rise to a strong, but rebuttable, statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
147. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. Local Plan Policy ENV1 seeks to ensure that development proposals conserve those elements which contribute to the asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
148. Policy ENV2 relating to the Stockton and Darlington Railway (S&DR) and states that proposals which will conserve and enhance elements which contribute to the significance of the S&DR and its setting, including its trackbed and branchlines, will be supported. Proposals will be supported where they include measures that preserve and physical remains along the route, including site interpretation and, where appropriate, reinstate a legible route where those remains no longer exist. Development proposals that support the development of the S&DR as a visitor attraction including the creation of walking and cycling paths along its route will be encouraged.

149. The submitted Heritage Impact Assessment (HIA) identifies a total of 15 no. designated heritage assets located within the application site and within the vicinity of it that would be potentially affected by the proposed development and has undertaken an assessment the significance of these assets and of the impact of the proposed development. These assets include Little Whessoe Occupation Bridge (Grade II listed) and the route of the S&DR; Sadberge Conservation Area; Walworth Castle (Grade I); Ketton Packhorse Bridge (Grade II and Scheduled Monument); and groups of buildings associated with farmsteads along and adjacent to the route, predominantly Grade II listed.
150. The HIA concludes that the route of the proposed pipeline and the associated compounds have been chosen to avoid direct effects upon the designated heritage assets along the route and to minimise the impacts upon their settings wherever possible. The proposed works would have temporary, localised minor adverse effects upon the settings of most of the heritage assets that have been assessed. The adverse effects identified for Ketton Packhorse Bridge, whilst still temporary, are greater due to the close proximity of the site to the heritage asset. Once the works are completed, the settings of the affected heritage assets would be restored, and the significance of these assets would be preserved.
151. In this context, it is considered that the proposed development is in broad accordance with the NPPF and relevant Local Plan Policies since the adverse effects are temporary and would not have any lasting effects upon the significance and special architectural or historic interest of affected designated heritage assets.
152. The Council's Conservation Consultant has advised that the HIA demonstrates that any impacts on the setting of designated heritage assets would be temporary, localised and mitigated post-completion. There will be some modest infrastructure additions along the route in the form of kiosks, although no details are available at this stage in terms of the number or location of these. Due to the nature of the heritage assets identified, the route of the pipeline and the identified above ground assets, the impacts of these are likely to be negligible in terms of resulting setting impacts. It is however recommended that details of the proposed kiosks, their number and location, are secured by planning condition to ensure that any associated apparatus is appropriately sited in terms of any identified heritage assets. Overall, it is not considered that the proposal would result in harm to the significance of the designated heritage assets identified, and no objection is raised.
153. Consideration has been given to the effects of the proposed development on archaeology. The study area includes a total of 123 archaeology assets across the three sections of the route which have been identified through the walkover survey, geophysical survey and pre-determination trial trenching. Limited archaeological features were discovered during the trenching, however key locations were identified for further investigation.

154. The location of all scheduled monuments has been taken into account during the route planning phase and no nationally or locally designated archaeology assets will be directly impacted by the route. In particular, the proposed development avoids the Scheduled Monuments of the 'Deserted medieval village at Walworth (NHLE 1011256) 405m to the north of the site, and the 'Shrunken medieval village at Sadberge' (NHLW 1011073), 150m to the south of the site. Notably, the scheduled and Grade II listed Ketton Packhorse Bridge (NHLE 1002345) lies within the site, however it falls within the easement corridor, and the route of the pipeline has been designed to ensure that direct impacts to this asset are avoided. The asset will be delineated in advance of construction works as per Historic England guidance and no construction works will take place within 10m of this asset. This is accounted for in the Framework CEMP.
155. While there would be no direct harm to the asset during the construction period, there would be some low level, indirect harm with the need for fencing around the monument and the construction activities within the corridor. In planning terms there would be less than substantial harm caused to the setting and significance of the monument. In accordance with paragraph 215 of the NPPF there will be a need for a balancing of public benefits versus the low level of harm identified.
156. The most effective way for heritage harm to be avoided in this case would be for the development not to be located on the proposed site. However, the proposed pipeline route is in a location that seeks to avoid land allocated for development, avoid sensitive land use designations where possible and cause minimal disruption during construction. Any harm caused to heritage assets would be temporary in nature and only occur during the construction period. Whilst the harm is less than substantial and at the lower end of the scale of harm, significant weight must nonetheless be afforded to that harm. It is considered that this harm is outweighed by the public benefits of the proposal, securing the future water supply to Darlington and the surrounding area. The public benefits that would arise as a result of the proposed development are considered to be sufficient to outweigh the identified less than substantial harm.
157. During construction potential impacts are identified to those archaeology assets which lie within the direct route of the working corridor, compounds, lagoons and material laydown areas. In Section 1 (Dyance Beck to A1(M)) of the study area, 42 archaeology assets have been identified. It is judged that there will be major adverse impact on nine assets, moderate adverse impact on ten assets and minor adverse impact on three assets. The remaining archaeology assets are judged as having no impact upon them.
158. In Section 2 of the study area (A1(M) to North of Barmpton) 61 archaeology assets have been identified, with a major adverse impact predicted on three assets, moderate adverse impact on seven assets, and moderate adverse on four assets. The remaining archaeology assets in this section are judged as having no impact upon them. In Section 3 (North of Barmpton to Long Newton SR) of the study area, 20 archaeology assets have been identified. It is judged that there will be a major adverse impact on three assets and moderate and moderate adverse impact on four assets, with no impact predicted on the remaining assets in this section.

159. While there are major, moderate and negligible impacts identified as part of the assessment submitted as part of the application, these impacts are not considered to amount to substantial harm in line with the NPPF due to the generally low value of these assets, and the assessment outlines mitigation for these impacts arising during the construction period. No impacts are expected during the restoration phase.
160. No significant effects (i.e. Major or Moderate Adverse effects) have been identified in this assessment during the construction and restoration of the proposed development. The route of the pipeline has been designed and refined to avoid the most sensitive archaeology assets and therefore those that may be affected are of lower value with effort made to reduce the scale of effect where possible.
161. This further post-determination investigation will be secured by planning condition, and the results will be reported in and inform an Archaeological Management Plan (AMP) which will set out the proposed strategy for the preservation, investigation and recording of the heritage assets, including provision for analysis, publication and dissemination of results, and archive deposition. The submission of the AMP would also be secured by planning condition. A further condition would also require the development to be carried out in accordance with the approved AMP.
162. Durham County Council Archaeology Officers have considered the application and raise no objection subject to the conditions outlined previously in this section of the report to secure further evaluation and the submission and implementation of an AMP. The Friends of the Stockton and Darlington Railway also recommend the proposed AMP records and recovers any items of feature of significance relating to heritage railway remains. Low level harm has been identified to the Ketton Packhorse Bridge Scheduled Monument and in accordance with the requirements of the NPPF this harm has been weighed against the public benefits of the proposal. The public benefits identified are considered sufficient to outweigh the low-level harm during the construction period.
163. The Council's Conservation advisor and Durham County Council Archaeology Section raise no objection to the proposals and subject to the imposition of appropriate conditions as outlined above. The proposal is therefore considered to comply with the requirements of Policies ENV1 and ENV2, Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(k) Housing Allocations

164. A small section of the proposed pipeline is proposed to pass across part of the housing allocation, site 251 – Skerningham which is identified in Local Plan Policies H2 and H10. An outline planning application, 22/00146/OUT, is currently under consideration for this area of land for housing and associated uses. It will need to be demonstrated that the pipeline will not significantly affect the delivery of this housing allocation site and in turn affect the Council's housing land supply. This is also a matter that has been raised by objection.

165. The proposed pipeline clips the Skerningham Housing Allocation in its far north west corner adjacent to the A167 where it then runs north, outwith the allocation, before it crosses the River Skerne. The application sets out that the route of the pipeline has been chosen to ensure, amongst other things, that it does not cross land allocated for development unless technical reasons mean this was not possible. The pipeline does need to cross the A167 at Beaumont Hill, and the application proposes two potential options for crossing the A167 to account for a new highway access that will be constructed in this location to access the Skerningham Housing Allocation, should permission be granted.
166. The outline planning application, 22/00146/OUT, is presently undetermined, and construction of the pipeline is likely therefore to commence in advance of any housing development on this site. As such the pipeline would be constructed to ensure that it runs under the area where the highway works would take place in the future. Should the highway works take place in advance of the pipeline, NWL will be able to tunnel under the new junction so as not to disturb the new highway.
167. The applicant's agent has further confirmed that should construction of the pipeline and the housing development overlap NWL is content to pursue a planning application for the formation of an alternative construction access point from the A167 to minimise interference at this stage between the two schemes. As this land is outwith the current application site boundary NWL would need to submit a separate standalone planning application for the alternative access. The agent has confirmed that following the determination of this application NWL would prepare and submit a new planning application for the alternative construction access to the north. Once construction programmes become clearer for both sites, NWL would enter into further discussions with the developer for the housing site to agree which construction access would be used.
168. The pipeline itself once laid would clip the edge of the housing development site along part of its northern boundary. The pipeline would require an easement of 6m either side which would be assumed into a landscaping belt along this northern boundary. The current application is in outline only, which only indicative site layouts provided. Final details would be considered as part of any subsequent reserved matters applications which would need to take account of the pipeline and its easement in this location.
169. Together with the measures set out for the construction of the pipeline in this location, it is not considered that the incursion of the pipeline into this part of the site would prejudice delivery of this strategic housing allocation or in turn impact upon the Council's housing land supply.
170. A further objection has been raised by Bellway Homes who have an option on a parcel of land to the south and south west of High Beaumont Hill Farm, off the A167. The pipeline will pass through this land from Burtree Lane as it heads towards the A167. Bellway Homes is concerned that the pipeline and its easement will sterilise much of this site, and

while this is not a housing allocation in the current Local Plan, they consider it to be a logical extension to Darlington's built form that has the potential to meet future housing need.

171. While these concerns are noted, given that the site is not a current housing allocation Officers consider that limited weight should be attached to this matter in the balance of considerations. The need for the proposed pipeline development and its wider benefits weighs against consideration of a site which if it came forward for residential development within the current Local Plan period would be contrary to policy.

(l) Minerals Safeguarding

172. The application site passes through three safeguarded areas: limestone (shallow), gypsum (deep), and sand and gravel (shallow) as defined in the Tees Valley Minerals and Waste Core Strategy DPD (2011). DPD Policy MWC4 (Safeguarding of Minerals Resources from Sterilisation) sets out those circumstances where non-minerals development will be permitted within the minerals safeguarding area which include where development would not sterilise or prejudice the future extraction of the mineral resource; the mineral will be extracted prior to development; or the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.
173. A Minerals Safeguarding Assessment has been submitted with the application which concludes that the proposed development is limited in its impact due to the limited footprint of the proposed pipeline and the amount and spatial distribution of mineral resource identified across the area covered by the Core Strategy DPD. The development is constrained to approximately 5.0m laterally and 4.5m in depth (together with a standoff zone surrounding the development), and with the reinstatement of material at the place of origin this footprint is further reduced. Furthermore, there is a need for new infrastructure to deliver clean water, with benefits from the development relevant beyond the administrative area of Darlington Borough Council. In view of these considerations the proposal does not conflict with the requirements of Policy MWC4.

(m) Cumulative Impact

174. Paragraph 198 of the NPPF, 2024, advises that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Local Plan Policy DC3 also sets out that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent and reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and future occupants of land and buildings, the character and appearance of the surrounding area and the landscape.

175. Whilst the application site covers a large area and is approximately 21km in length, the proposed pipeline would almost be entirely underground and once constructed, the development would not be visible, and its operation would not be noticeable. Because the route of the pipeline passes close to north of the main urban area of Darlington it would be close to a number of development sites that are at various stages in the planning process.
176. A cumulative assessment has been undertaken as part of the EIA process. This considered if additional potential cumulative effects from the proposed development would be created by it interacting with other developments in order to ascertain whether there are any inter-project cumulative effects. A total of eleven schemes located within the vicinity of the application site were identified and considered as part of the assessment:
- Phase 1 of STMP, from Lartington WTW to Shildon
 - Solar Farm on land to north of Burtree Lane, Darlington
 - Residential development at Burtree Garden Village Phase 1, Burtree Lane, Darlington
 - Residential development (up to 600 houses), land to east of Beaumont Hill, Ketton Lane, Darlington
 - Solar Farm on land to south of Long Pasture Farm, Little Stainton, Darlington
 - Residential development for up to 380 houses, Field at OSGR E428827 N517935 Burtree Lane, Darlington
 - Solar Farm across 6 parcels of land between Brafferton, Little Stainton and Bishopton (Byers Gill Solar DCO application)
 - Residential development for 450 dwellings, convenience store, access, parking, landscaping and infrastructure, Land North of Darlington known as Skerningham Garden Village, Low Skerningham Lane, Darlington
 - Residential development for 125 dwellings, residential and link roads, public open space, landscaping and drainage works at Mount Pleasant Farm, Newton Lane, Darlington
 - Residential development for 1200 dwellings, residential and link roads, public open space, landscaping and drainage works, education and playing fields at Mount Pleasant Farm and Stag House Farm, Newton Lane, Darlington
 - Residential development for 132 dwellings, landscaping and infrastructure works at Site of Former Corus Works (East Site), Whessoe Road, Darlington
177. The assessment concludes that there is potential for significant adverse effects in relation to noise in the event that the construction periods for the relevant cumulative schemes overlap with that of the proposed development. Additional mitigation in the form of temporary noise barriers between the relevant receptors is proposed in the event that the construction periods overlap, which would be secured by planning condition. No other significant adverse in-combination effects are identified.
178. While there would be some conflict with Policy DC3 and Part 15 of the NPPF in this regard, it should be noted that these effects relate to the construction period only.

Development would be undertaken in a phased approach which would limit both the duration and extent of noise impacts across the application site when considered in combination with other projects. Given the need for the development and the wider benefits in terms of delivering an upgraded potable water supply to the residents of County Durham (Phase 1) and Teesside, to which significant weight can be afforded in the planning balance, it is not considered that such conflict would justify a refusal of planning permission in this instance.

THE PUBLIC SECTOR EQUALITY DUTY

179. 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. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

CONCLUSION AND RECOMMENDATION

180. The proposed development forms part of a wider scheme to provide additional water capacity and resilience to the existing water network serving County Durham and Teesside, replacing existing Victorian-era infrastructure necessary to support the growing population of the area. Phase 1 within County Durham is nearing completion and this application would be Phase 2 of the scheme, from the County Durham and Darlington boundary at Dyance Beck to Long Newton Service Reservoir in Stockton Borough Council's administrative area.
181. Consideration has been given to the principle of the development, together with impacts on landscape and visual amenity, residential amenity, land contamination, access and highway safety, public rights of way, ecology and biodiversity net gain, agricultural land and soils, flooding and drainage, heritage assets, minerals safeguarding and cumulative impacts. Subject to appropriate planning conditions, the impacts are considered to be acceptable, acknowledging that many such impacts would be temporary for the duration of the construction period only.
182. The proposal has generated some limited public interest. These representations have been weighed along with other responses including those of statutory consultees that have raised no objections to the scheme based on the submitted details and assessments and subject to conditions where necessary. They have also been carefully balanced against the benefits of the scheme in terms of the security of the water supply to Darlington and the wider area. Whilst mindful of these public representations it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposed development and carefully balanced against the benefits of the scheme.

183. Overall, it is considered that the proposed development accords with the relevant policies of the Darlington Local Plan (2016 – 2036) and the relevant sections of the NPPF. While there is the potential for some slight conflict with Local Plan Policy DC3 with regard to noise impacts from the proposed development should the construction period coincide with other developments identified in the cumulative effects assessment in the ES, for the reasons set out in report it is not considered that this would be sufficient to justify refusal of the application on this basis. It is therefore, recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)

(a) To secure a Biodiversity Net Gain (BNG) monitoring fee

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 THE 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

1. A3 (3-year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - (a) Red Line Boundary Figure A.3, Sheets 1 – 4
 - (b) Proposed Development: Route Overview, Figure A.1
 - (c) Proposed Development: Detail, Sheet 1 of 3 Figure A.2
 - (d) Proposed Development: Detail, Sheet 2 of 3 Figure A.2
 - (e) Proposed Development: Detail, Sheet 3 of 3 Figure A.2
 - (f) A68 Strategic Crossing Plan and Profile, drawing number WN023-0165-STN-51-06-DR-C-0004 Rev. P01
 - (g) Tunnel General Arrangement, Sheet 1 of 2, drawing number WN023-0165-STN-51-06-DR-C-0005 Rev. P01
 - (h) Tunnel General Arrangement, Sheet 2 of 2, drawing number WN023-0165-STN-51-06-DR-C-0006 Rev. P01
 - (i) A167 Strategic Crossing, Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1028 Rev. P01
 - (j) A68 Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-411 Rev. P01
 - (k) Stockton Road Temporary Access, drawing number SZ14-T51-PR1-AM2-002-DWG-CST-G04-1103 Rev. P04

- (l) Beaumont Hill Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1104 Rev. P01
- (m) Beaumont Hill SR Strategic Connection Plan, drawing number WN023-0165-STN-51-02-DR-C-0001 Rev. P03
- (n) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 1 of 3, drawing number WN023-0165-STN-51-02-DR-C-0002 Rev. P02
- (o) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 2 of 3, drawing number WN023-0165-STN-51-02-DR-C-0003 Rev. P02
- (p) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 3 of 3, drawing number WN023-0165-STN-51-02-DR-C-0004 Rev. P02
- (q) Phase 2 Site Compound Locations, Plan 1 of 3, drawing number WN023-0165_00_GIS_1030 Rev. P03
- (r) Phase 2 Site Compound Locations, Plan 2 of 3, drawing number WN023-0165_00_GIS_1031 Rev. P03
- (s) Phase 2 Site Compound Locations, Plan 3 of 3, drawing number WN023-0165_00_GIS_1032 Rev. P03
- (t) Long Newton SR Strategic Connection Plan, drawing number WN023-0165-STN-51-03-DR-C-0001 Rev. P06
- (u) Long Newton SR Strategic Connection, plan and pipeline profile sheet 1 of 4, drawing number WN023-0165-STN-51-03-DR-C-0004 Rev. P04
- (v) Long Newton SR Strategic Connection, plan and pipeline profile sheet 2 of 4, drawing number WN023-0165-STN-51-03-DR-C-0005 Rev. P04
- (w) Long Newton SR Strategic Connection, plan and pipeline profile sheet 3 of 4, drawing number WN023-0165-STN-51-03-DR-C-0006 Rev. P04
- (x) Long Newton SR Strategic Connection, plan and pipeline profile sheet 4 of 4, drawing number WN023-0165-STN-51-03-DR-C-0007 Rev. P04
- (y) Long Newton SR A66 Access Vehicle Tracking Assessment, drawing number WN023-0165-STN-51-03-DR-T-0002 Rev. P01
- (z) A1(M) to Long Newton Service Reservoir Proposed Pipeline Route Key Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1011 Rev. P03
- (aa) Gainford Great Wood to A1(M) Proposed Pipeline Route Key Plan, drawing number WN023-0165-STN-ZZ-ZZ-DR-T-0001 Rev. P02
- (bb) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 0m – 1000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1012 Rev. P02
- (cc) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 1000m – 2000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1013 Rev. P02
- (dd) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 2000m – 3000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1014 Rev. P02
- (ee) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1015 Rev. P02

- (ff) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1016 Rev. P01
- (gg) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1017 Rev. P01
- (hh) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1018 Rev. P01
- (ii) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1019 Rev. P01
- (jj) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1020 Rev. P01
- (kk) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 9000m – 10000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02
- (ll) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 10000m – 10754m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02
- (mm) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number WN023-0165-STN-51-04-DR-T-0002 Rev. P02
- (nn) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number WN023-0165-STN-51-05-DR-T-0005 Rev. P01
- (oo) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number WN023-0165-STN-51-05-DR-T-0006 Rev. P01
- (pp) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number WN023-0165-STN-51-05-DR-T-0007 Rev. P01
- (qq) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number WN023-0165-STN-51-05-DR-T-0008 Rev. P01
- (rr) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01
- (ss) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9000m – 9750m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01
- (tt) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9750m – 10638m, drawing number WN023-0165-STN-51-06-DR-T-0006 Rev. P02
- (uu) Preliminary Rout Plan (P25), drawing number WN023-0165/00/GIS/1028
- (vv) River Skerne Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-701 Rev. P02
- (ww) River Skerne Strategic Crossing – Location Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-700 Rev. P02
- (xx) River Skerne Strategic Crossing – Proposed Temporary Access Route, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-023 Rev. P03

- (yy) East Coast Mainline Strategic Crossing – Drive Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-803 Rev. P02
- (zz) East Coast Mainline Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-800 Rev. P01
- (aaa) East Coast Mainline Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-802 Rev. P01
- (bbb) East Coast Mainline Strategic Crossing – Reception Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-804 Rev. P02
- (ccc) Tees Valley Railway Strategic Crossing – Drive Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-603 Rev. P02
- (ddd) Tees Valley Railway Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-600 Rev. P01
- (eee) Tees Valley Railway Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-602 Rev. P01
- (fff) Tees Valley Railway Strategic Crossing – Reception Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-604 Rev. P02
- (ggg) Typical Pipe Trench Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-001 Rev. P03
- (hhh) Typical Stank Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-004 Rev. P02
- (iii) Typical Haul Road, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-005 Rev. P02
- (jjj) Typical Thrust Block – Bends, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-006 Rev. P02
- (kkk) Typical Thrust Block, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-007 Rev. P02
- (lll) Typical Lagoon Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-008 Rev. P02
- (mmm) Proposed Typical Elevations of Temporary Cabins, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-009 Rev. P02
- (nnn) Typical Air Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-010 Rev. P01
- (ooo) Typical Washout Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-011 Rev. P01
- (ppp) Typical Line Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-012 Rev. P01
- (qqq) Typical Arrangement of Kiosk Type A Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0001 Rev. P02
- (rrr) Typical Arrangement of MCC Kiosk Type B Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0002 Rev. P02
- (sss) Standard Details Typical Ditch and Stream Crossing, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-016 Rev. P01

- (ttt) Typical Cathodic Protection Anode Ground Bed Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-017 Rev. P01
- (uuu) Typical Cathodic Protection Installation Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-018 Rev. P01
- (vvv) Typical Main Compound and Logistical Area, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-020 Rev. P02
- (www) Typical Tunnelling Compound Layout (Launch and Reception Compounds), drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-021 Rev. P01

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

3. Prior to any development taking place a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

REASON – To ensure the development is carried out in accordance with the approved documents and to allow for the development to be carried out in phases.

4. Prior to the commencement of any part of the development or any works of demolition within a particular phase as identified under Condition 3, a Construction Environmental Management Plan (CEMP) for that phase which is in general accordance with the Framework Construction Environmental Management Plan submitted with the application shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:

- (a) Details of the dust control measures to be put in place during the construction phase of the development taking into account the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” January 2024. This shall be incorporated into a Dust Management Plan.
- (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”. This shall be incorporated into a Construction Noise and Vibration Management Plan (including a specific section relating to the proposed tunnelling works) and shall include information on the temporary noise barrier to be installed (design, height, location(s)), as well as the site compounds.
- (c) Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway.
- (d) Designation, layout and design of construction access and egress points
- (e) Details for the provision of directional signage (on and off site)
- (f) Details of contractors’ compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary

infrastructure and their removal upon completion of the construction phase of development

- (g) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- (h) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period
- (i) Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), and measures to control timings and routings of deliveries and construction traffic (including abnormal loads);
- (j) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (k) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works including a Site Waste Management Plan
- (l) Public rights of way management plan
- (m) Measures for liaison with the local community and procedures to deal with any complaints received

Thereafter the approved Construction Environmental Management Plan for each phase shall be adhered to throughout the construction phase and the approved measures shall be retained for the duration of the construction works in each phase.

REASON – In the interests of highway safety and residential amenity

- 5. Prior to development commencing within a specific phase as identified under Condition 3 a detailed method statement describing any proposed watercourse/field drain crossings and reinstatement within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON – To ensure suitable crossings are in place that do not result in damage to watercourses.

- 6. No construction activities (with the exception of tunnelling works), including the use of plant and machinery (including generators), as well as deliveries to and from the site, shall take place outside the hours of 07.00 – 18.00 Monday to Friday, 07.00 – 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 interest of residential amenity

- 7. No development within a specific phase as identified under Condition 3 shall take place until details of the working corridor within the application site for that phase have been

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON – In the interests of highway safety and residential amenity

8. No development within a specific phase as identified under Condition 3 shall take place until details of any temporary works in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON – In the interests of highway safety and residential amenity

9. No construction work shall take place, nor shall any site cabins, materials or machinery be brought on site within a specific phase as defined by Condition 3 until all trees and hedges to be retained within that phase are protected in accordance with the details contained within the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report relating to that phase.

REASON – In the interests of the visual amenity of the area

10. No development shall take place within a specific phase as identified under Condition 3 until an asbestos specialist has been consulted and provided an assessment report relating to risks and to any required mitigation or remediation measures associated with asbestos identified in soils close to the Tees Valley Railway crossing. The report and any scheme of mitigation/remediation is to be submitted to the Local Planning Authority for approval in writing.

REASON - 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 risk to receptors, in accordance with Darlington Local Plan Policy DC1.

11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

REASON – 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 risk to receptors, in accordance with Darlington Local Plan Policy DC1.

12. Prior to its installation, details of any external lighting proposed as part of any phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall not be installed otherwise than in complete accordance with the approved details.

REASON – In the interests of visual and residential amenity

13. Prior to the commencement of development within a specific phase as identified under Condition 3, a Construction Traffic Management Plan (CTMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented prior to the commencement of and for the entire duration of construction activities within the phase to which it relates.

REASON – In the interest of highway safety

14. No development shall take place within a specific phase as identified under Condition 3 until a Written Scheme of Investigation setting out a phased programme of archaeological evaluation in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' for that phase 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, in sufficient time to inform the production of an Archaeological Management Plan.

REASON – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

15. No development shall take place within a specific phase as identified under Condition 3 until an Archaeological Management Plan (AMP), in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' for that phase has been submitted to and approved in writing by the Local Planning Authority. The AMP will set out the strategy for the preservation, investigation, and recording of heritage assets in the development area, including the provision made for analysis, publication and dissemination of results, and archive deposition. The development will then be carried out in accordance with the AMP.

REASON – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

16. No part of an individual phase of the development shall be brought into beneficial use until the post investigation processes have been completed in accordance with the approved Archaeological Management Plan, and confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with Paragraph 218 of the National Planning Policy Framework, 2024, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gather becomes publicly accessible.

17. No development shall take place within a specific phase as identified under Condition 3 until a working method statement to cover all construction work within and/or adjacent to all waterbodies within that phase has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall cover the following requirements:

- Timing and duration of works
- Methods used for all in-channel, bankside, and floodplain works, including a detailed fish rescue plan for relevant sites which specifies pump sizes and screen size
- Machinery (location and storage of plan, materials and fuel, access routes, access to banks etc)
- Protection of areas of ecological sensitivity and importance
- Site supervision
- Bunding of potential pollutants
- A pollution prevention plan
- A silt management plan

Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

REASON – The ensure that the construction phase of the proposed development does not adversely affecting water dependent species and habitats within the Skerne and associated tributaries or impact the hydro-morphology of the watercourse.

18. No development shall take place within a specific phase as identified under Condition 3 until a plan detailing the protection of otter and water vole, and their associated habitat, within that phase has been submitted to and approved in writing by the Local Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The species protection plan shall be carried out in accordance with a timetable for implementation as approved. The elements

outlined in the 'Ecological Protection Measures' section of the submitted framework Construction Environment Management Plan (CEMP) should be provided as part of the completed CEMP and adhered to in full, including:

- A pollution prevention plan, including emergency spill procedure
- An erosion prevention and sediment management plan
- A drainage plan
- Mammal and amphibian pre-works checks prior to vegetation clearance
- Provision/details of an Ecological Clerk of Works (ECoW) on site during works
- Provision/details of toolbox talks for operatives relating to protected species and habitats
- An ecologically sensitive flume design based on CIRIA guidance
- A robust INNS (Invasive Non-Native Species) management plan, to include measures addressing signal crayfish *Pacifastacus leniusculus* and crayfish plague, and those species listed as present within the Ecology chapter of the ES
- Reinstatement of riverbanks to original slope where relevant

REASON – In order to protect the ecological value of the site in accordance with Darlington Local Plan Policy ENV7.

19. No development shall take place within a specific phase as identified under Condition 3 until a Landscape and Ecology Maintenance and Management Plan (LEMP) for that phase is submitted to and approved in writing by the Local Planning Authority. The LEMP should also set out details for the restoration of each phase of development. Thereafter the development shall be carried out in accordance with the approved LEMP.

REASON – In the interests of the visual amenity of the area and to comply with the requirements of Local Plan Policies DC1, ENV7 and ENV8.

20. Prior to development commencing within a specific phase as identified under Condition 3 full engineering details of any new site accesses to be formed serving that phase, together with details for the removal and restoration of these access points following completion of the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details.

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

21. Prior to the set-up of any specific site compounds, site laydown areas, lagoons or watercourse crossings, details of those specific compounds, pipe laydown areas, lagoons and watercourse crossings, shall be submitted to any approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details and the identified mitigation measures shall remain in place for the duration of the construction phase of the development.

REASON – In the interest of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development.

22. Prior to the erection of any ancillary structures including kiosks to house electrical monitoring and control equipment, telemetry and cathodic protection requirements, details of the precise number and location of these structures, including their external appearance and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interests of visual amenity

23. The development hereby approved shall be carried out in accordance with the measures set out in Section 5 ‘Soil Management’ of the ‘Tees and Central Strategic Transfer Mains – Phase 2 Agricultural Land Classification and Soil Management Plan’ dated June 2024 and prepared by Mott McDonald.

REASON – To comply with Part 15 of the National Planning Policy Framework, 2024.

24. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
- (a) Description and evaluation of the features to be managed;
 - (b) Ecological trends and constraints on site that may influence management;
 - (c) Aims, objectives and targets for management, links with local and national species and habitat action plans;
 - (d) Description of the management operations necessary to achieving aims and objectives;
 - (e) Description for management actions;
 - (f) Preparation of a works schedule, including annual works schedule
 - (g) Details of the monitoring needed to measure the effectiveness of management;
 - (h) Details of the timetable for each element of the monitoring programme;
 - (i) Details of the persons responsible for the implementation and monitoring;
 - (j) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - (k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

REASON – To enhance biodiversity in accordance with Darlington Local Plan Policy ENV8 and the National Planning Policy Framework, 2024

25. The development hereby approved shall be carried out in accordance with the submitted flood risk assessment (Tees and Central Pipeline Strategic Transfer Mains –

Phase 2: Flood Risk Assessment, dated October 2024, prepared by Mott McDonald) and the mitigation measures specified therein. These mitigation measures shall be fully implemented prior to the beneficial use of the pipeline and subsequently in accordance with the scheme's timing/phasing arrangements, and shall be retained and maintained for the lifetime of the development.

REASON – To reduce the risk of flooding elsewhere and to comply with Darlington Local Plan Policies DC2 and DC3.

26. No development within a specific phase as identified under Condition 3 shall take place until details of any stanks including their positions within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON – In order to prevent flooding elsewhere by reducing the ability of water to migrate along the pipe trench.

27. The applicant shall enter into a deed of consent with National Gas prior to any permanent changes being made to the easement for the high-pressure gas pipeline which runs through the site and meet the requirements as set out in the National Gas consultation response dated 4th February 2025.

REASON – To safeguard the high-pressure gas pipeline that runs through the site.

INFORMATIVES

Highways

Section 184 Crossover

The applicant is advised that where works are required within the public highway to construct a new or upgrade an existing vehicle crossing, contact must be made with the Assistant Director – Highways, Design and Projects to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works HighwaysStreetLightingDefects@darlington.gov.uk

Section 59

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

Temporary Speed Limit

Prior to the commencement of the development the applicant is advised that contact must be made with the Assistant Director – Highways, Design and Projects (contact Mrs

P McGuckin 01325 406651) to discuss the advertising and associated cost of implementing a Temporary Traffic Regulation Order (TTRO) to enable a reduced speed limit in the vicinity of the site accesses.

Biodiversity Gain Plan Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Darlington Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

Land Drainage Consent

The applicant’s attention is drawn to the Land Drainage Act 1991 section 23 whereby Darlington Borough Council’s consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with flow in any Ordinary Watercourse. Furthermore, within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. Land Drainage Consent must also be obtained prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow in these assets. Contact llfa@darlington.gov.uk

Environment Agency

Environmental permit – Advice to Applicant

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

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am – 6pm) or by emailing enquiries@environment-agency.gov.uk

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity

Network Rail

Fail safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 4.0m of the railway boundary.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity, etc. which needs to be agreed by the Asset Project Manager prior to implementation.

Excavations/Earthworks/Underground Workings

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Asset Protection.

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may be affecting underground workings next to the railway, consultation with the Asset Protection Engineer and the Network Rail Principal Mining Engineer should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Interface Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Interface Manger before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the railway undertaker prior to the commencement of works. Where the works have the potential to introduce ground movements, Network Rail may require the monitoring of track and other assets, the work shall only be carried out in accordance with the approved method statement and design.

Scaffolding

Any scaffolding which is to be constructed within 10 metres of the railway boundary fence and has the potential to collapse within 4 metres of the Network Rail boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. Approval of the method statement and design must be obtained from Network Rail's Asset Protection Engineer.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge Strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Interface Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include Network Rail (e.g. bridges and level crossings). Network Rail would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include their assets. Network Rail would request that the applicant contact our Asset Protection Interface Manager to confirm that any proposed route is viable and to agree a strategy to protect their asset(s) from any potential damage caused by abnormal loads. Where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision, and other facilities necessary when working from or on railway land.

Encroachment

The development/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing onto Network Rail airspace, and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass which is a criminal offence. Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development

Asset Protection Eastern

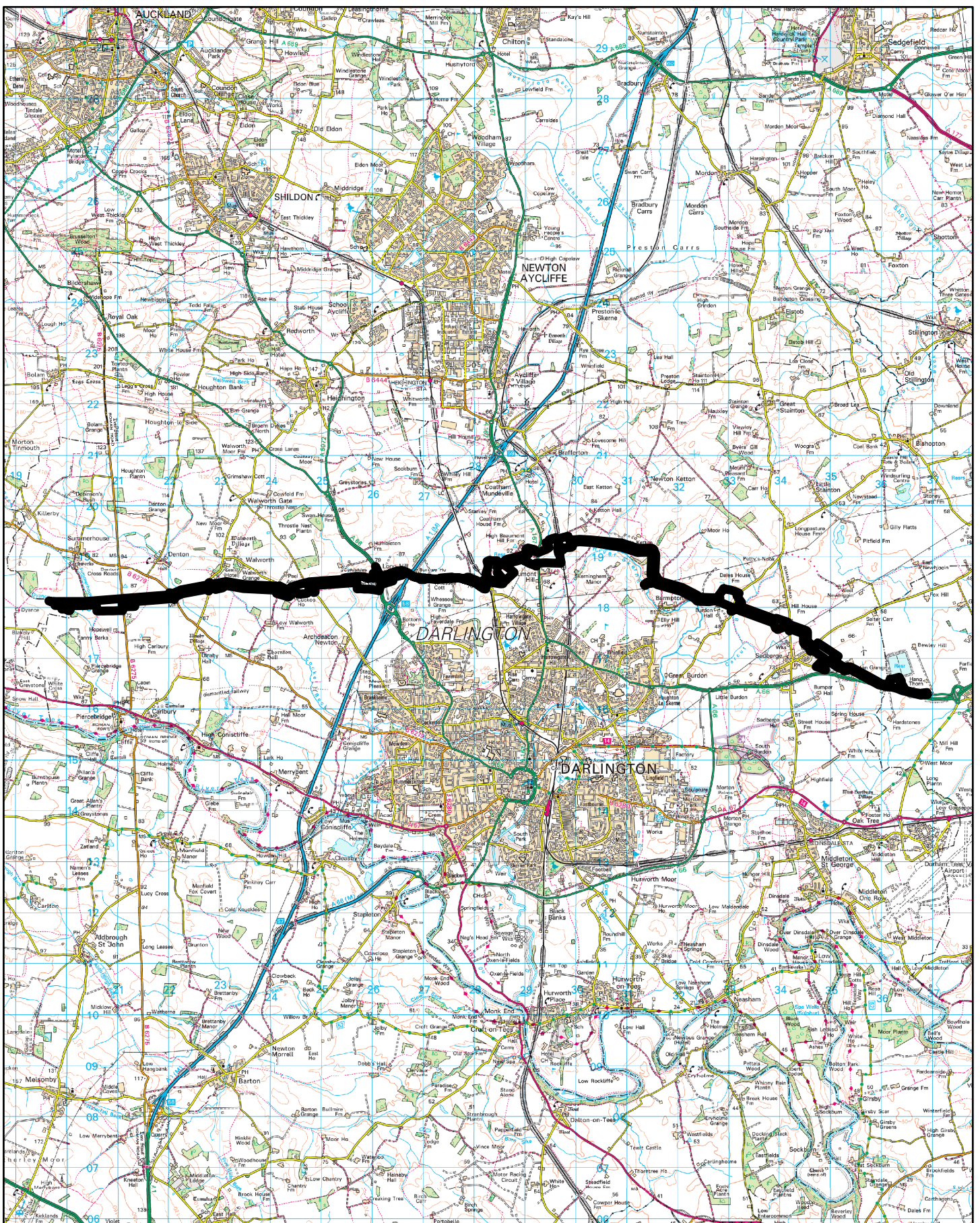
For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk

Land Information

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk

Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslneem@networkrail.co.uk

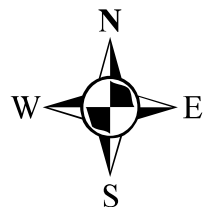


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DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 March 2025

APPLICATION REF. NO: 24/00427/FUL

STATUTORY DECISION DATE: 24th January 2025 (EOT 7th March 2025)

WARD/PARISH: HURWORTH

LOCATION: Hurworth Fisheries 12 To 14 Church Row
Hurworth Darlington DL2 2AQ

DESCRIPTION: Conversion of fish shop takeaway (Sui Generis) (12 Church Row) to a deli outlet and cafe/restaurant with storage to first floor, including removal of existing rear balcony, erection of part two storey, part single storey side and rear extension incorporating a raised terrace area at rear for outdoor dining, together with replacement shop front, re-alignment of first floor front window and other associated works. Change of use of adjoining dwelling (14 Church Row) to associated storage and installation of new matching shop-front style window (Amended description) (Amended plan reducing the number of covers to 32 received 27th January 2025)

APPLICANT: MR FRANCIS WARD

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCREZ0FPKQ600>

APPLICATION AND SITE DESCRIPTION

1. The application site consists of an existing terraced commercial premises (12 Church Row) (currently trading as Hurworth Fisheries) with a first floor flat, together with the adjoining residential dwelling (14 Church Row), both situated to the south of Church Row, to the easternmost end of Hurworth Village and at the end of a line of residential properties. The site sits within the Hurworth Conservation Area, adjacent to the site of the existing Grade II listed All Saints Church. To the south of the site is the River Tees and the plot falls within Flood Zones 2 and 3.
2. The proposal is to convert the existing fish and chip shop into a deli/food outlet, and to build a part two-storey and part single storey rear extension, together with the change of use of the adjoining residential property at 14 Church Row, into storage associated with the deli / food outlet. The existing first floor flat to No. 12 would be used for associated storage. The building will also be provided with a new ground floor façade to the north elevations of No. 12 and 14 and a rear terrace overlooking the River Tees.
3. The rear extension would result in an overall two-storey element of some 10.8m deep (currently 6.7m) x 5.4m high (currently some 5.4m to eaves and 7.1m to ridge) x 6.3m (currently 4.4m) wide. To the roof, the existing pitched roof would be repaired and retained, with a parapet coping detailing to the remainder to match the proposed single storey element. This increases the existing two-storey element by some 4.1m in depth and 2.2m in width. The ground floor element would be some 6m deep x 2.4m high at its northernmost point and 3.6m high as it sits on the lower bank, and some 5.7m wide. To the roof would be parapet coping detailing and roof lantern. The external terrace would have a further depth of some 3.6m.
4. External materials would consist of hard wood windows to the extension and proposed shopfront. The extension would be re-rendered to the north and west elevation with reclaimed brick to the east and south elevation. The application states that the overall works would involve repairs to the existing external façade of the building which is currently in poor condition.
5. Further to discussions with officers, as a result of issues raised by objection, the application has been amended to reduce the number of proposed dining covers from 42 to the rear dining area (including the external terrace) with 2 seats to the counter area, to 32 seats within the dining area (including the external terrace) with 2 seats to the counter area. The amended plans show a reduction the number of seats within the external terrace area, from 10 to 4.

MAIN PLANNING ISSUES

6. The relevant issues to be considered in the determination of this application are:
 - (a) Principle of the proposed development
 - (b) Impact on heritage assets and visual amenity
 - (c) Impact on residential amenity
 - (d) Highway safety

- (e) Impact on trees
- (f) Biodiversity
- (g) Flood Risk

PLANNING POLICIES

7. The following policies are relevant in the determination of this application:

National Planning Policy Framework (2024)

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 and Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

TC1: Darlington Town Centre

TC4: District and Local Centre

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

ENV7: Biodiversity and Geodiversity and Development

ENV8: Assessing a Development's Impact on Biodiversity

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

8. No objections in principle have been raised by the Council's Highway Engineer, Ecology Officer, Environmental Health Officer or the Environment Agency, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

9. No objections have been received from Hurworth Parish Council.
10. 16 No. individual objections have been received from residents, and these raise the following concerns:
- Increase in parking requirements. Parking already difficult and in high demand with some businesses already not having designated parking.
 - Impact on highway safety.
 - Impact on residential amenity and quality of life for existing residents. Concerns regarding overlooking, noise and disturbance.
 - Impact on character of the village.
 - Design, scale and impact on visual amenity.
 - Impact on trees and ecology.
 - Loss of existing fish and chip shop will impact on community.

- Decline in use of other community facilities due to less parking availability, and therefore loss of community spirit.
 - Concerns as to how the developer will access the rear of the property during construction.
 - Extending the façade to No. 14 in the same style implies it is all one business, with the potential to result in customers congregating outside nearby living room windows or blocking the passageway to the rear of properties.
 - Reduction in covers makes little difference to concerns regarding noise and disturbance particularly as the external terrace remains. One table on the external decking is unrealistic and there are likely to be many more, with doors open in good weather resulting in the additional noise from indoor customers.
 - Concerns that the applicant intends to change the use of some of the rooms marked as storage, to customer use, particularly the front room of No. 14, or that it could be used to house noisy machinery.
11. One concern raised is that as the plans have been amended through the application process, which has represented a change in strategy for the applicant to some extent, that the plans could change again. Whilst these concerns are noted, the plans being considered are as submitted. If, following the grant of planning permission, the developer wishes to make any amendments to the plans such a change will usually require them to make an application which will be consulted upon (a section 73 application). It would only be in the case of a minor non-material amendment that a plan could be altered without the application requiring being consulted upon (a section 96A application). In this case, due to the nature of the building, which is very closely related to neighbouring properties, most changes would require a full planning application.
12. Also raised by objection, is the recent felling of several trees leading down from the cemetery to the river. This is outside of the development site, unrelated to the development proposed and has been investigated as a separate enforcement issue which has resulted in a requirement for the applicant to re-plant trees within a specified period. This issue is being monitored by the Enforcement Officer for compliance.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

13. The proposed development is located within the development limits of Hurworth as set by Policies SH1 & H3 of the Local Plan. The proposed development therefore accords with said policies, which seek to achieve the locational strategy for new development in the Borough by establishing development limits within which development will be acceptable in-principle, subject to compliance with other relevant national and local policies.

14. Policies TC1 & TC2 states that proposals for main town centre uses should be located within either the town centre boundary or the district and local boundaries identified on the Policies Map. Where main town centre uses are proposed outside of the town centre boundary a sequential test should be applied in accordance with national policy. However, Para. 8.2.4 sets out that a sequential test is not required where the proposal reflects the existing use of the site. Given the previous use of the site, it is therefore considered unnecessary for a sequential assessment to be undertaken for this development.
15. In conclusion, since the proposed scheme is situated within development limits, and it is considered that a sequential assessment is not required, there are no significant policy concerns with the proposed development and it is therefore acceptable in principle, subject to consideration of the relevant development management issues set out below.

b) Impact on Heritage Assets and Visual Amenity

16. The site is located within Hurworth Conservation Area, and within the setting of the Grade II listed All Saints Church to the west, and therefore Policy ENV1 applies. The policy states in part A that, when considering proposals affecting all designated heritage assets (including conservation areas), great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. Proposals resulting in substantial harm to or total loss of the significance of a designated heritage asset will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of several criteria apply (please see Policy ENV1 for full criteria).

Part B of the policy provides further requirements for development in conservation areas. It states proposals affecting conservation areas, including the alteration, extension or change of use of a building should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. It goes on to state that special attention should be given to:

- i. existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction; and
- ii. existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and
- iii. historic plot boundaries and layouts; and
- iv. the setting of the conservation area.

17. The policy also sets out that development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.
18. Policy DC1 is relevant in terms of securing good design and states that all development will be required to have regard to the design principles in the Design of New Development SPD and the National Design Guide. There are several criteria in the policy which the scheme should meet, including that the proposal reflects the local environment and creates an individual sense of place with distinctive character. Detailed design should also respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.
19. The proposal would result in the loss of some existing private space to the rear of the existing property however the site would retain some open space, and this loss is not considered to be significant. Whilst the design of the rear element of the development deviates from the more traditional design of the main property, it is intended to represent a contemporary addition to the property, whilst retaining the form of original features of the building including its pitched roof. Furthermore, its scale and appearance does not detract from, and will be seen in the context of, the existing building. The new facades are that of a traditional shopfront, both in terms of design and appearance, and materials. The proposal also involve repairs to the existing external façade of the building which is currently in poor condition, and this weighs in favour of the overall scheme in terms of visual improvements to the existing building.
20. Overall, both in terms of its position within the Hurworth Conservation Area and the setting of the nearby church, the proposal is not considered to raise significant issues in terms of impact on heritage assets and any 'less than substantial harm' in terms of a modern addition to the rear of the property, is outweighed by the benefits of the scheme, which ensure the continued use and maintenance of the building as a local community facility as well as improvements to its current worn appearance.
21. In turn, the proposed development is not considered to raise any significant issues in respect of its scale, design and appearance and impact on the visual amenities of the locality both at site-level and within the wider context. A planning condition is recommended to secure submission and agreement of external materials, and window details.
22. Subject to the above, the proposal complies with policies DC1 and ENV1 in this regard.

c) Impact on residential amenity

23. Policy DC4 states that new development should be sited, designed, and laid out to protect the amenity of existing users of neighbouring land and buildings and the

amenity of the intended users of the new development. Several criteria are set out in the policy. Given the details of the proposed scheme, the impact of noise and disturbance, emissions, and waste, on the neighbouring properties should be considered.

24. Firstly, in terms of the physical impact of the development, the proposal will result in changes to scale of the existing rear off-shoot, and this will impact on the nearest residential properties (to include the nearest dwellings, Weaver's Cottage at 14A which runs perpendicular to the east, and 16 Church Row as the nearest properties) albeit it should be noted that the assessment of design has concluded that the scale is in keeping with, and can be seen in the context of the existing building.
25. The existing rear two-storey element will alter in width and length, which would bring the entire extension at the most southerly point of the single storey element, broadly in line with the southern elevation of 14A. The extension would be visible from 14A and adjoining residential dwellings including No. 16, and would to some extent impact on outlook, more notably for 14A whose front elevation faces the application site, but also the site of No. 16 (the flank wall of the extension will sit some 9.5m from the western wall of 14A and some 4.6m from the boundary of the site).
26. The overall impact on residential dwellings is in part absorbed due to the inclusion of No. 14 within the application site, however the key issue is whether the remaining impact on 14A and 16 is within reasonable limits given the context of the site.
27. In terms of the scale, as set out above, the scale is appropriate in terms of its relationship with the existing building. The application site is set at a higher level than parts of adjoining land, and the presence of the existing boundary treatment to some extent mitigates the impact. It is considered that this, together with the (albeit limited) separation between the extension and the adjoining sites / buildings, ensures that the proposal is, on balance, within acceptable limits, and it is not considered that the proposal will be overbearing when viewed from the adjoining sites to the extent that it would be justified to refuse planning permission on these grounds, given the context.
28. Whilst there are no additional flank windows to the extension that would create an overlooking situation, adjacent gardens have a rear external terrace / studio and residents have raised concerns regarding potential overlooking, from the new external terrace and the impact of that on the privacy and enjoyment of outside space. A concern has also been raised regarding potential overlooking from the rear window to the two-storey element of the extension, facing south towards the Riverbank.
29. It is considered that there will be some impact from proposed external terrace in terms of an increase in activity and the possibility of overlooking, albeit any impact being partially influenced by seasonal changes and the limited size of the external terrace. It is considered that this can be sufficiently mitigated through the requirement for screening to the eastern boundary of the external terrace, and a condition is recommended to secure submission, agreement, implementation before occupation,

and subsequent retention of said mitigation. In terms of the window to the rear of the proposed extension facing south, it is apparent that this window is included to create a more uniform design. This type of intervisibility between sites is common in residential areas, however, as this area is to be specifically used for storage and not as a residential dwelling, any use of the window will be limited, and unlikely to impact on privacy to the extent that it would be justified to refuse permission on these grounds.

30. A matter raised by objection is the inclusion of 14 Church Row as storage, and the change of use of the first floor of No. 12 to storage. There are concerns that the presence of an extended façade to No. 14 provides the possibility of bringing the main commercial use closer to neighbouring dwellings, thereby increasing any impact on amenity. This is noted; however, as it is not the intention of the application to include areas set out as 'storage' for the use of customers, conditions are set out below to ensure that those areas indicated as storage are restricted as such.
31. Another concern raised in terms of the extended façade to No. 14 is the potential for people to congregate outside of the property on the street, creating potential noise and disturbance or blocking the entrance to the passageway. Whilst this concern is noted, there is no evidence to suggest that this will result as a direct consequence of the redevelopment of the site, and there are other statutory controls available to deal with such issues should they occur.
32. Secondly, in terms of the externalities of the development, the application has been submitted with a Noise impact assessment dated 25th October 2024 prepared by Apex Acoustics (Reference: 11999.1, Revision A) which considers potential noise impacts from the proposed development. This includes impacts from the new café/deli on the ground floor on the residential space above (first floor). However, since the assessment was undertaken, the residential element on the first floor has been removed and this floor is now proposed for storage and office space associated with the café/deli. The proposal now also includes change of use of No. 14 from a dwelling to storage associated with the café/deli.
33. Specific details of new plant associated with the proposed commercial premises are not yet available, so recommended noise limits have been established in the noise assessment to inform a planning condition. The assessment also details that once the details of the new plant are known, the impact should be assessed in accordance with BS4142. This will be covered in recommended planning conditions.
34. The noise assessment also considers the proposed changes in opening hours, existing and proposed use and capacity (compared to the current fish shop) and concludes that noise from the proposed development will likely be more continuous and potentially at a lower overall level than the existing chip shop use, but conditions will likely be required in terms of operational hours, deliveries etc and potentially for the use of the outdoor seating area/terrace.

35. The Environmental Health Officer has raised no objections to the proposed development subject to planning conditions to secure submission and agreement of any new plant to be installed, details of ventilation of fume extraction systems and operating hours to be restricted to 8am – 10.30 Monday to Saturday and 9am - 4pm on Sundays. It is noted that the requirement to specify 'operating' hours as opposed to 'opening hours' is to control the use of the premises for takeaway / Deliveroo type services that could have taken place outside of normal opening hours. The condition as worded, will restrict any activity to within the opening hours specified.
36. As noted above, through discussions with officers, the applicant has reduced the number of dining covers within the extension to 32. It is recommended that this limit be controlled by condition should the application be approved.
37. The applicant has specified that the adjoining dwelling and the first floor flat, will now be used as storage associated with the use. It is recommended that a planning condition be attached to any approval to specifically restrict this property to storage to ensure that it is not used to accommodate additional customers at any time.
38. Also recommended is the standard condition to control construction hours and requirement for a construction management plan.
39. Subject to the above controls, the proposal is considered to be acceptable in terms of its impact on residential amenity and complies with the requirements of policy DC1 and DC4 in this regard.

d) Highway safety

40. The increase in vehicle movements over and above the existing levels associated with the fish and chip business is unlikely to be sufficient to warrant and highway safety concerns, as takeaway food businesses usually generate a higher rate of vehicle trips than seated restaurants with an associated faster rate of short duration parking which turns over frequently.
41. Previous DfT guidance on Transport Assessment thresholds advised that the then A3 use class (Restaurants and cafés) – (now class E) does not require formal assessment for developments of under 300Sq m. Given the overall floor space of 105 Sq. m, it is accepted that this is significantly under the accepted threshold to require a formal Transport Statement (TS), and therefore the additional trips generated can be accommodated on the highway network without requiring further assessment.
42. It is however evident that additional parking demand is anticipated as part of the proposal. The application is not able to offer any on-site parking provision and as such all-parking demand will need to be accommodated offsite, within unallocated parking on the public highway. The Tees Valley Design Guide advises on the recommended level of provision for particular use classes and end users. For cafes/restaurants, it is advised

that 1 space should be provided per two seats, with an additional 1 space per 5m² public floor area for bar use.

43. There are 32 seats in the rear extension including outside on the external terrace which will obviously dependent upon weather and seasons being suitable for use, together with two seats to the deli / counter area. The 34 internal seats therefore equate to an additional maximum demand of 16 spaces, whilst seating within the front deli section, and potential for pass by customers buying sandwiches and takeaway coffees etc. are considered broadly comparable to the existing trips and parking demand associated with the current use as a fish and chip shop, as it is presumed that the shop/deli outlet will have some element of takeaway food & drink.
44. The extended opening hours are however noted *8am – 10.30pm being sought Monday-Saturday and Sunday 9am-4pm*. Unallocated parking is available on both side of the highway and located within a dedicated margin both sides of Church Row. Parked vehicles within these dedicated areas do not obstruct the through movement of traffic, as it is not within the running carriageway.
45. An increase in parking demand within this area is not therefore considered a highway safety concern but may displace other uses during times of high demand. Having visited the site at 2pm (22nd January) to observe what free car parking capacity was available, approximately 20-22 parking spaces were available on the southern side Church Row, between the Emmerson Arms and All Saints Church, all of which are within public highway under the control of DBC as Local Highway Authority.
46. Additional parking was available, on the northern side of Church Row, with approximately 12 spaces being available between No 1-33, which are located within a mix of village green and public highway. At the time of visiting the site the vacant on-street spaces were available on street within just 75m walking distance of the application address.
47. Most parking demand was centred around the physiotherapist and dentists (Nos 1&5 respectively) whilst the Fisheries and Emmerson Arms were not open at the time. It is cautioned however that this may not be representative of parking demand after 5pm when residents are at home, and other generators of parking demand such as pubs, the village hall and church are open or at peak trading times, as the area has historically been the subject of complaints from residents regarding the lack of available parking during evening hours.
48. The proposed extended opening hours may therefore cause issues for nearby residents who are reliant upon on-street parking, as very few dwellings have dedicated in curtilage parking. This is reflected in objection letters, and whilst the Highways Engineer does not find any reason to substantiate any road safety concerns, parking is a cause for concern for residents.

49. It is noted that some objection letters request that parking restrictions should be implemented to provide residential parking zones within the vicinity of the site. Such requests are always considered on a case-by-case basis but require separate consultation outside of the planning process and are subject challenge of affected parties. As such the delivery of such measures cannot be secured as part of a planning application. The criteria for implementing an RPZ requires evidence of all day commuter parking, associated with hospitals or colleges etc. The Highways Engineer would also caution that whilst RPZs may be a useful tool in protecting residential amenity, there may be other detrimental impacts as the Village Hall, other business and their customers would be unable to use otherwise vacant spaces within RPZ restrictions.
50. Whilst parking is the major concern in the consideration of the application, there is no substantive evidence to conclude that safety highway concerns are currently apparent or will be caused by this proposal. A review of the most recent 5-year period of recorded accident data, demonstrates that there has been just one recorded incident injury collision within the 30mph extents of the village, located at the junction Strait Lane & Church Lane and recorded as 'minor' injuries only.
51. On this basis there is no evidence to substantiate highway safety concerns or to conclude that they will arise from the low levels of additional traffic generated by the proposals. Whilst there will inevitably be some increase in vehicle movements, in comparing this location with other much busier locations on the highway network, such as West Auckland at Cockerton or the A167 North Road, both of which have restaurants and other commercial businesses which are often reliant upon on street parking.
52. The substantive concern is therefore a matter of amenity, and if it is considered that the increase in parking demand over current levels can be accommodated on the highway without inequitable displacement of existing residents who are reliant upon on-street parking.
53. The Highways Engineers own observations are that parking demand between businesses and residents is likely to be able to be accommodated during day times, however, once residents are home from work after 5pm onwards and evening trade is busy, demand may exceed available provision. Understandably residents will prefer to park on the highway directly outside of their homes where available. Parking on the highway where permitted is on a first come first served basis, not a right and will need to balance the needs of residential parking and the need to provide local services and amenities within the village.
54. The Highways Engineer has sought clarification on how refuse storage and access is to be provided within the constraints of the site, with the requirement that bins must not be stored within the highway or other locations which cause obstruction or nuisance. The applicant has confirmed that this would be stored in the rear courtyard and accessed via the existing covered passageway. (between the buildings). This is the current arrangement / location for the fish shop. A planning condition is recommended

to secure submission and agreement of this detail to ensure that it is in place prior to occupation and retained as such thereafter.

55. In view of the above, whilst it is acknowledged that displacement of parking for residents may be an outcome of the application, there is no highway objection in terms of highway safety and availability of parking for the demands of the proposal and the application is therefore considered acceptable in terms of policies DC1 and IN4 in this regard.

e) Impact on trees

56. An Arboricultural Impact Assessment and Method Statement undertaken by Arbux Consultancy was submitted in support of the application. The report sets out that no trees are required to be removed to facilitate the development however some minor access facilitation and pruning works are required to three individual trees. The report sets out that existing trees are to be protected during construction through protective measures including fencing and ground protection. It is recommended that the methods as set out in the above report are secured by planning condition.

57. The Council's Arboricultural Advisor has raised the issue of access during construction works, with the concern that access could be taken through the cemetery which could have resultant impact on trees within this adjacent site, due to ground compacting and damage to roots. The applicant has confirmed that it is the intention to take all construction access through the passageway between 12 and 14 Church Row, however this issue can be addressed formally through the Construction Management Plan condition recommended in section c) of this report.

f) Biodiversity

58. An Ecological Impact Assessment (EclA) completed by Dendra Consulting Limited, has been submitted in support of the application. The assessment made the following broad conclusions:

- Data searches did not reveal the presence of any protected or priority species on the site. The data searches revealed the presence of a single locally designated site in the surrounding 2km, located 1.9km from site.
- No impacts on any designated sites are predicted.
- Additionally, a check of SSSI Impact Risk Zones (IRZ), as determined by Natural England on the MAGIC website, concluded that no consultation with Natural England was required for this development.
- The site consists of an active fish and chip shop with dwelling houses attached. To the rear was a mixture of vegetated and unvegetated gardens. Beyond the red line boundary was a steep bankside down to the River Tees which lies 16m from the red line boundary. The following habitat types, as defined in the UK Habitats guidance, were

present on site. x u1 (828) Vegetated Garden x u1 (829) Unvegetated garden x u1b5 Buildings 1.0.4

- The above habitats are locally and nationally common and widespread and have little ecological value.
- The site has no potential for protected species. A bat risk assessment has concluded that the building is a negligible risk.
- Consideration was given to otter, and it was concluded that impacts were unlikely to be significant.
- Himalayan balsam was found on the site. It is an offence under the Wildlife and Countryside Act to plant this species or cause it to grow in the wild. Advice must be sought from a specialist contractor prior to clearing any vegetation or moving any soil from the site.
- The following ecological impacts have been identified on site: i) The spread of an invasive plant species listed on schedule 9 of the Wildlife and Countryside Act.
- Avoidance, mitigation, and compensation measures have been recommended including Specialist advice to be sought relating to Himalayan balsam, installation of integrated bat and bird boxes in the proposed new extension.
- The current on-site biodiversity baseline shows a result of 0.02 Habitat units.
- There are no hedgerow or watercourse units.
- A proposed habitat plan has been prepared which shows the retention and extension of the vegetated garden area. Taking this into account the proposals will result in a net increase of 50.11%. Additionally, the habitat trading rules will be met.
- No habitat management and monitoring plan is required for the proposed vegetated garden.

59. The Ecology Officer is satisfied with the Ecological Impact Assessment (EclA) completed by Dendra Consulting Ltd. The EclA has been completed using best practice guidelines and in line with current legislation. The results are sound, and as such, it is advised that the recommendations are followed in full, which can be secured by planning condition. In terms of Biodiversity net gain, a nationally imposed condition is included as an informative (this is dealt with under other legislation and so officers have been advised that an informative is the most appropriate way to ensure that the developer addresses this requirement at the appropriate time).

60. Subject to the above, the proposal complies with policies ENV7 and ENV8 in this regard.

g) Flood Risk

61. A Flood Risk Assessment undertaken by RAB consultants was submitted in support of the application. The assessment indicates the following:

- A comparison of ground levels against the provided 1D fluvial flood data shows that the proposed site is expected to remain dry for all modelled events up to and including the extreme 0.1%AEP.
- All other sources of flood risk have been considered and fluvial is the primary source of flood risk.
- The ground floor of the existing building is sufficiently elevated above the modelled design flood level.
- Therefore, the ground floor of the proposed extension should be set no lower than existing.
- Safe, dry access is expected to be viable in most circumstances.
- Flooding on Church Row is possible in an extreme 0.1% AEP surface water flood event with depths of less than 0.15m predicted, equating to a 'low hazard.'
- The proposed development will have no impact on surface water runoff and local flood risk given that it is a minor extension.
- There is however some scope to incorporate small SuDS components which would provide a small degree of betterment to downstream receptors.
- It is concluded that the site offers scope to deliver the proposed development such that it will be appropriate for the flood risk and is not expected to increase the risk of flooding elsewhere.

62. The report makes the following recommendations:

- Maintain the ground floor level of the existing building (29.90mAOD1) and set the proposed extension ground floor no lower than this level.
- The site owner should sign up to receive Environment Agency Flood Alerts.
- Review the use of small retrofit SuDS components when making any modification to the existing surface water drainage scheme.
- Construction (Design and Management) Regulations 2015: o the revised CDM Regulations came into force in April 2015, which defines the duties for all parties involved in a construction project, including those promoting the development. One of the designer's responsibilities is to ensure that the client organisation, in this instance Ward and Sons Ltd, is made aware of their duties under the CDM Regulations.

63. The Environment Agency have raised no objections to the proposed development. The proposal is considered to comply with policy DC2, and it is recommended that a planning condition be attached to any approval requiring the recommendations of the FRA are implemented.

THE PUBLIC SECTOR EQUALITY DUTY

64. 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

65. The proposed development involves investment in an existing rural business. It complies with the relevant policies in the development plan and subject to conditions is acceptable in respect of highway safety, visual amenity, residential amenity, flood risk and biodiversity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)

1001-18 Proposed plans
1001-19 Site Location Plan

3. B4 (External Materials)
4. Notwithstanding any details referred to in the submitted plans, prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross-sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

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

5. The number of covers within the rear dining area, including the rear terrace, as set out on Drawing Number 1001-18, shall not exceed 32 at any time without the prior written approval of the Local Planning Authority.

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

6. The areas shown on Drawing Number 1001-18 as ‘storage’ to the first floor of No. 12 Church Row and to the ground and first floor of No. 14 Church Row, shall be used for storage associated with the use of the premises as a deli / café / restaurant and shall at no time be accessed by customers / patrons without the prior written approval of the Local Planning Authority.

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

7. No construction 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, without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. the parking of contractors' site operatives and visitor's vehicles;
2. areas for storage of plant and materials used in constructing the development clear of the highway;
3. details of site working hours;
4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
5. Measures to ensure safety of the public including pedestrian routes/site fencing.

REASON – In the interests of amenity and public safety.

9. Once details of any new plant to be installed as part of the development are known and in any event prior to installation, an assessment needs to be carried out and submitted to the Local Planning Authority to show that the rating level ($L_{A,T}$) of any external plant, equipment or machinery associated with the development (whether operating individually or simultaneously) shall not exceed the daytime and night-time background sound level ($L_{A90,T}$) at noise sensitive receptors. The assessment must be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) and be in accordance with BS4142: – 'Method for rating and assessing industrial and commercial sound'. The noise sensitive receptors and background sound levels to be used in the BS4142 assessment shall be agreed in advance with the Local Planning Authority.

Any mitigation measures shown to be necessary following the assessment shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of amenity.

10. Prior to commencement of the use hereby approved, details of the ventilation and fume extraction system to be installed, which is suitable for the proposed development including a full technical specification by a suitably qualified technical person, specifying the position of ventilation, fume or flue outlet points and details of the odour abatement system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the ventilation and fume extraction system(s) associated with the use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the use hereby permitted being occupied. The ventilation and extraction system shall be operated and maintained in accordance with

the manufacturers recommendations including the frequency of replacement of any filters.

REASON – In the interests of amenity.

11. Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1 and designed in accordance with BS EN 1825-2 or other effective means of grease removal.

REASON – In the interests of amenity.

12. Operating hours for the premises (including deliveries) shall be restricted to 8am – 10.30pm Monday-Saturday and Sunday 9am-4pm unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of amenity.

13. Prior to the occupation of the development, details of refuse storage shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such thereafter.

REASON – In the interests of amenity and highway safety.

14. Prior to the use of the external terrace hereby approved, details of screening to the eastern side of the external terrace, to protect the amenity of nearby occupiers, shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be in place prior to the first use of the external terrace and shall be retained as such permanently thereafter.

REASON – In the interests of residential amenity.

15. The development shall not be carried out otherwise than in complete accordance with the recommendations and methods set out within the Arboricultural Impact Assessment and Method Statement (Arbux, September 2024) unless otherwise approved in writing by the Local Planning Authority.

REASON – To ensure adequate protection to existing trees.

16. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment (Dendra Consulting, October 2024) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

17. The development shall be carried out in accordance with the recommendations set out within the submitted Flood Risk Assessment (RAB, October 2024) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To secure adequate flood protection measures for the proposed use.

INFORMATIVES

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

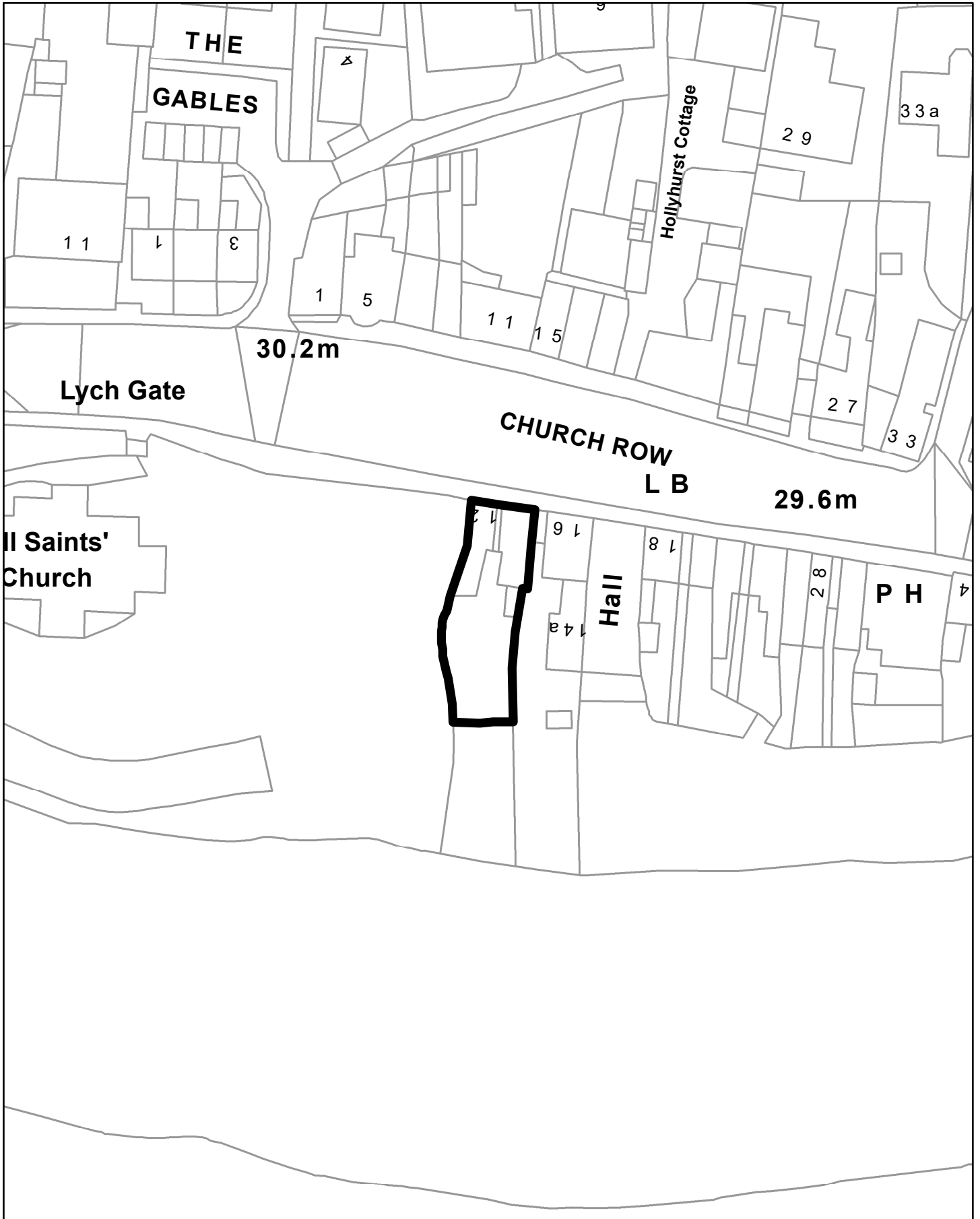
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Darlington Borough Council.

Based on the information available this permission is one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Other permissions from the Local Planning Authority

It should be noted that this permission does not give consent for the proposed advertisements indicated on the submitted plans. Advertisements are covered by a separate process under the advertisement regulations, and as such, where Advertisement consent is required, a separate application for Advertisement consent should be submitted.

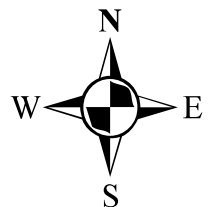


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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th March 2025

APPLICATION REF. NO:	24/00231/FUL
STATUTORY DECISION DATE:	28 March 2025
WARD/PARISH:	Northgate
LOCATION:	Garage Block Adjoining 31 Pendower Street Darlington
DESCRIPTION:	Demolition of existing garages and erection of 8 No. garages, replacement/remedial works to retaining wall, provision of fencing, gate and stepped access to rear, resurface road to front together with associated works (Amended Flood Risk Assessment and Additional Ecological Assessment received 12 September 2024; Ecology Assessment and Biodiversity Metric Calculator received 6th January 2025)
APPLICANT:	Mr Daniel Richardson

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO A 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=S9TZBIFPHFA00>

APPLICATION AND SITE DESCRIPTION

1. The application site is located at the eastern end of Pendower Street within the Northgate Conservation Area. The site is currently very overgrown and has previously been used for the siting of garages on hardstanding areas but only three garages currently exist. The site measures 0.3 hectares and is split into two levels with a 3m high retaining wall running east to west supporting the higher level on Pendower Street.

The majority of the site has been enclosed by metal herras fencing along the Pendower Street frontage to try and provide some security for the vacant buildings and site.

2. The site is bound to the north and east by the Cocker Beck and to the south and west by existing dwellings on Pendower Street and a flatted development, known as The Deanery. The front gardens of the dwellings on Westbrook Villas can be found on the opposite bank of the Cocker Beck.
3. Planning applications and appeals submitted by previous applicants/owners to redevelop the site for residential purposes have been refused and dismissed. The applications were submitted in 2010 (ref no 10/00015/FUL), 2012 (ref no 12/00562/FUL) 2015 (ref no 15/00740/FUL) and 2019 (ref no 19/00695/FUL)
4. This planning application is for the demolition of the remaining three garages and the erection of eight single garages with associated works around the site including fencing and steps leading to the lower level of the site. The garages would be constructed from a mix of brickwork at the lower quarter and render above. The garages would measure approximately 3.1m wide; 6.2m long under a sloping roof measuring 2.6m at the front dropping to 2.4m at the rear. The garages would be located on the higher level of the site.
5. The intention of the applicant would be to rent the garages for storage and parking purposes.

MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on the Northgate Conservation Area and Street Scene
 - c) Highway Safety and Impacts
 - d) Residential Amenity
 - e) Impact on Trees
 - f) Biodiversity Net Gain and Ecology
 - g) Flood Risk and Drainage
 - h) Land Contamination
 - i) Other Matters
 - j) Planning Obligations

PLANNING POLICIES

7. Along with the National Planning Policy Framework (2024) and the Northgate Conservation Area Appraisal (2007), the following local development plan policies are relevant:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy
H3: Development Limits
DC1: Sustainable Design Principles and Climate Change
DC2: Flood Risk & Water Management
DC3: Health & Wellbeing
DC4: Safeguarding Amenity
ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV3: Local Landscape Character
ENV4: Green & Blue Infrastructure
ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer, Environmental Health Officer, Arboricultural Consultant and Ecology Officer have raised no objections to the planning application.
9. Northern Gas Networks have raised no objections.
10. Following the submission of a revised Flood Risk Assessment, the Environment Agency have not objected to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Five letters of objection have been received from four households following the Council's publicity and notification exercises. One of the household addresses is not within the vicinity of the application site. The objections can be summarised as follows:
 - *Parking in the street is already busy. If the garages were leased out this could significantly increase the amount of traffic and parking issues if non local residents were to lease them*
 - *The rear access to the garages would also pose a risk of attracting anti-social behaviour and used as a gathering spot for groups.*
 - *There is no denying that the current state of the land is an eyesore as the landowner has neglected it. However, this could be a beautiful greenspace if owned by the council.*
 - *This garage block is situated on the other side of the Cocker Beck from the Northgate Conservation Area. The site is now open aspect due to it been partly demolished and left to deteriorate over many years.*
 - *According to the submitted plans a 2metre wildlife corridor will be left. This cannot be achieved under the present plans (retaining walls will only permit 60 to 80 cm).*
 - *There is nothing mentioned of the current state of the embankment of the Cocker Beck.*
 - *If this garage block is built will it be the end of the cocker beck corridor with footpath that the council would like to see link with Northgate, or do they propose*

to use land on the Northgate Conservation Area to fulfil this scheme (possibly using gardens and providing a footbridge) Would it not be better to purchase this small triangle of land, landscape it and complete the cocker beck corridor to Northgate

- *The proposal will result in a loss of green open space.*
- *Height of garages and being built forward of the existing building line will lead to a feeling of the road being enclosed.*
- *Extra noise in the street which is a quiet cul-de-sac at the moment.*
- *This is a conservation area, and we do not need any more buildings crammed into small spaces.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

12. 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 (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
13. The development is identified by the Local Plan as being within the development limits for the urban area and therefore the principle of the development can be supported in general policy terms subject to compliance with other local and national planning policies (Policy H3).

b) Impact on the Northgate Conservation Area and Street Scene

14. The application site has previously been the subject of planning applications and appeals for residential development on the site which have all been dismissed. The last appeal decision was dated September 2020 and within the decision letter, the Planning Inspector stated that the Northgate Conservation Area is characterised by the mature trees around the Cocker Beck providing a secluded and leafy riverside setting for the Beck and surrounding properties. The significance of the Conservation Area in this location derives from the landscape setting of the Cocker Beck within the wider urban context. This is reaffirmed on the Northgate Conservation Area Appraisal (2007) where the Cocker Beck and its landscape setting are seen as being a key element of the special character of Westbrook Villas which is located on the opposite riverbank to the application site.
15. Policy ENV1 of the Local Plan conforms with the National Planning Policy Framework 2024. The policy states that when considering proposals affecting all designated heritage assets including Conservation Areas great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. Proposals resulting in substantial harm to or total loss of the significance of a

designated heritage asset (or an archaeological site of national importance) will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:

- a) the nature of the heritage assets prevents all reasonable uses of the site;
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate
- c) marketing that will enable its conservation;
- d) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- e) the harm or loss is outweighed by the benefit of bringing the site back in to use.

16. In addition to the above requirements, proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. Special attention should be given to:

- a) existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction; and
- b) existing hard and soft landscaping features including areas of open space, trees, hedges, walls,
- c) fences, watercourses and surfacing and the special character created by them; and
- d) historic plot boundaries and layouts; and
- e) the setting of the conservation area.

17. Development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.

18. The demolition of buildings or structures in a conservation area will not be permitted if:

- a) the building makes a positive contribution to the character and appearance of the conservation area (as identified within the conservation area appraisal); and
- b) the structural condition of the building is repairable; and
- c) there are no approved detailed plans for the redevelopment of the site and a contract has not been entered into for the implementation of that redevelopment; and
- d) there has been insufficient consideration of other options to re-use the building in its current form.

19. A public consultation has recently been carried out by the Local Planning Authority on a revised Character Appraisal for the Northgate Conservation Area and the finalised

appraisal will be considered at Council and Cabinet Meetings in March 2025. As part of the draft Appraisal, a recommendation is made to amend the extent of the Conservation Area boundary and the area where this planning application site is located would be removed and taken out of the Conservation Area. Whilst this carries limited weight in the decision making process for this planning application as the Appraisal has yet to be adopted, its recommendation to remove the site from the Area is a form of confirmation that the application site and buildings do not make a positive contribution to the significance of the Conservation Area. Nevertheless, this Report will still consider the impacts of the development on the Conservation Area in accordance with local and national development plan policy.

20. It is not clear from recent planning records as to when the existing garages were built on the site or when some of them were demolished. However, the buildings that remain on site do not contain any historic or architectural interest or features and they do not make a positive contribution to the character and appearance of the conservation area. The site is quite well screened from the dwellings and front gardens of Westbrook Villas by existing trees and vegetation on the northern riverbank of the Cocker Bank. There is no direct reference made within the Northgate Conservation Area Character Appraisal (2017) about any contribution that the application site or buildings may currently make to the significance of the Area.
21. The site has remained vacant and overgrown over the years (since at least 2010) as attempts by previous owners/applicants to redevelop the site for residential purposes have been unsuccessful.
22. The site is located on the eastern end of Pendower Street which is primarily characterised by two storey dwellings on either side of the street apart from The Deanery which is a three storey flatted development. The dwellings opposite the application site have steps leading to their front doors due to level changes with the street.
23. The garages would be single storey, slightly set in from the back edge of the footpath and they would be of a very similar scale and design as the existing buildings on the site.
24. The proposed redevelopment of the site would result in the site being brought back into use, improving its visual appearance which will have a positive impact on the overall general appearance of this part of Pendower Street.
25. The garages would not have a negative or overbearing impact on this part of the Conservation Area or the general scene due to their scale and positioning within the site and street.
26. The scheme would not result in the removal of trees on the opposite bank of the Cocker Beck which are recognised as being an intrinsic feature of the Northgate Conservation Area

27. It is considered that the proposed development would sustain the significance of the Northgate Conservation Area, and it is noted that if the draft Appraisal is adopted, the site could be removed from the Conservation Area designation. The proposal will not have an adverse impact on the appearance of the street scene. The planning application would conform with policies DC1, ENV1 and ENV3 of the Local Plan and the National Planning Policy Framework (2024) in this regard.

c) Highway Safety and Impacts

28. Access to the garages is from Pendower Street which is sufficiently wide enough to enable access despite the prevalence of on-street residential parking on each side of the street. This is evidenced by a swept path analysis submitted in support of the planning application showing that a car can take access and egress even if cars are parked opposite.
29. The increase in vehicle movements generated from the additional garages is considered “de minimis” in highway safety terms and will not have any material impact on highway safety.
30. The proposed garages meet the current Tees Valley Design Guide standards, which advises that garages should measure a minimum of 6x3m internally in order to be considered a usable parking space. Garages below this dimension are often impractical for the keeping of a modern vehicle and are difficult to access and egress. Where garages are not conveniently located and of sufficient size to be easy to use, they are unlikely to be used for parking and more often are used for storage. The location and internal dimensions of the garages does however enable them to be used for either storage or parking.
31. The garages are to be set back from the highway boundary by 1.0 – 1.5m to provide a narrow forecourt/apron between the garages and the public highway, which aids visibility for safe access and egress but is also sufficiently small to prevent parking in front of each garage and overhanging of the footway.
32. Residents within Pendower Street are reliant upon on-street parking and parking in front of the dwellings located opposite is currently evident and must be expected in the future. Therefore, wider garage doors are to be installed with an approximately 2.8m wide roller shutter door to help with access and egress vehicles when vehicles are parked opposite.
33. The extents of public highway include the concrete apron/footway which is located across the full frontage of the site. This area is cracked and deteriorated and does not provide a level continuous route for persons with mobility or visual impairment. Works are therefore needed within the public highway in order to provide a suitable means of vehicle access for each unit. The existing concrete footway/access would need to be reconstructed to include a level route trip free pedestrian route which is suitable for users of wheelchairs/mobility scooters. Such works will need approval from the Local

Highway Authority under Section 184 of the Highways Act, which is a separate process under highways technical approval, if planning permission is granted.

34. The proposed development would accord with policies DC1, IN1, IN2 and IIN4 of the Local Plan in this regard.

d) Residential Amenity

35. The site has previously been used for garaging purposes albeit not for a number of years. It is currently overgrown and in a poor condition which may attract antisocial behaviour, and this is an opportunity to tidy the site and bring it back into use which will improve security.
36. Should the garages remain in the ownership of the applicant and be rented to interested parties, it would be the owner's responsibility to ensure that the garages are well maintained and kept in good condition and do not create any antisocial conditions.
37. Planning conditions have been recommended to control the hours of demolition and construction and to restrict the usage of the garages to the parking of vehicles and storage only.
38. The garages would not have an adverse impact on No 31 Pendower Street or the dwellings opposite the site in terms of outlook or privacy due to their scale and location.
39. The proposed development is considered acceptable in amenity terms and accords with policies DC3 and DC4 of the Local Plan in this regard.

e) Impact on Trees

40. There are no trees within the application site covered by a tree preservation order. There are trees, outside the application site and on the opposite bank of the Cocker Beck which are covered by Orders dated 1975 and 2017. These trees do make a significant contribution to the street and the Northgate Conservation Area.
41. Tree removal works have previously occurred on the application site in 2017 (ref no17/01128/TFC). A Tree Report submitted in support of the planning application states that the majority of the site is taken by self-seeded individual trees, primarily Goat Willow and Buddleia of low quality.
42. Of the ten individual trees that were surveyed within the application site, seven would need to be removed to facilitate the development or to prevent problems in the future. The majority of these trees are considered to be low quality. The three trees which can be retained, including the only high quality tree (a Sycamore) would be protected by fencing during the construction. Two groups of low quality trees which form the majority of the site would be removed.
43. The Council's Arborist consultant accepts the reasoning for the tree removals and has raised no objections to the overall works.

44. No protected trees or groups of trees on the opposite bank of the Cocker Beck would be affected by the proposed development.
45. It is noted that if the application site is removed from the Northgate Conservation Area, the developer would not require any form of consent from the Local Planning Authority to carry out works to the trees within the site.
46. The proposal is considered to be acceptable in arboreal grounds and complies with policy ENV4 of the Local Plan in this regard.

f) Biodiversity Net Gain and Ecology

47. The planning application has been supported by an updated Ecological Impact Assessment which advises that the main habitats within the site (excluding buildings and hard standing areas) are bramble scrub and mixed scrub of limited ecological value. A survey of the area noted the presence of Japanese Knotweed 3m and 10m north of the application site and Himalayan Balsam was found 20m to the east.
48. The Assessment concludes that the proposed development will result in some loss of foraging habitats and makes recommendations for mitigation measures and working practices to protect bats, nesting birds, hedgehogs, otter and water vole. The provision of two wall mounted nest boxes have been recommended as ecological enhancements.
49. The Council's Ecology Officer is satisfied that the Ecological Impact Assessment has been conducted using best practice methods and the results of the survey are sound. As such, the recommendations and mitigation set out in the report are secured by a planning condition.
50. The site includes a 2m wildlife zone alongside the riverbank of the Cocker Beck. The Assessment recommends that netting/fencing is erected on the boundary of the site to ensure that no materials from the site are allowed to enter into this area and the watercourse and that the fencing shall remain in place until the works are complete/ Thereafter, a planning condition has been recommended to ensure that this area remains free of development such as fencing etc.
51. The Council's Ecology Officer is also satisfied that the site has been checked for invasive species and that none are present within the site boundaries. A cautionary approach when clearing the vegetation to ensure that no invasive species are accidentally introduced to the site is advised.
52. A Biodiversity Net Gain (BNG) assessment has been submitted in support of the planning application. The baseline of habitats onsite are 0.12 habitat units and 0.17 watercourse units. Due to the water course not being impacted by the development there is no requirement for an uplift of this unit type. The habitat unit has a deficit of 0.10 habitat units, equating to 80% loss of habitat onsite. Due to the size of the site and the limited area of undeveloped land that would remain, it is not possible to achieve a

net gain on site and therefore in order to ensure that the development will still achieve a net gain in accordance with the Local Plan, the developer has agreed to make a financial contribution equivalent to 0.10 habitat units towards upgrading biodiversity offsite elsewhere in the Borough. This would be secured by a Section 106 Agreement.

53. Due to the offsite payment and also the minimal habitat remaining onsite there will be no requirement for the applicant to produce a Biodiversity Management and Monitoring Plan (BMMP) in these circumstances.
54. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

g) Flood Risk and Drainage

55. Following comments made by the Environment Agency, the application has been supported by an updated Flood Risk Assessment (FRA). The development site is partially located in Flood Zone 3 according to the Environment Agency's Flood Map for Planning (Rivers and Sea), but the garages would be located on the higher section of the site, which is located within Flood Zone 1, the lowest flood risk category. The FRA concludes that that the proposed development is classed as "less vulnerable" and is appropriate for the flood risk zones and is not expected to increase the risk of flooding elsewhere. The FRA continues to make recommendations relating to the construction of any retaining walls; finished floor level measurements and the use of permeable paving and water butts.
56. The Environment Agency has raised no objections following the submission of the updated FRA and a condition can be imposed to ensure the recommendations are secured as part of the development. The planning application would accord with policy DC2 of the Local Plan in this regard.

h) Land Contamination

57. The planning application has been supported by a Land Contamination Screening Assessment form which has been reviewed by the Council's Environmental Health Team. Based on the Assessment, land contamination is not a material consideration for this application and the proposal would accord with policy DC1 of the Local Plan in this regard.

i) Other Matters

58. Comments have been made regarding alternative uses for the site, including as public open space or a footpath link. The Local Planning Authority can only determine the proposals that are presented within the planning application and whether there is a more appropriate alternative use is not a material planning consideration, and the application cannot be refused on such grounds.

j) Planning Obligations

59. 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.

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

- a) £2500 as a Biodiversity Net Gain contribution to be used by the Council towards improvements on land elsewhere in the Borough.

61. 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

62. 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 proposal would include improvement works to the public highway which will benefit access to the garages for persons with mobility issues (Policy IN2 of the Local Plan).

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

63. 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

64. The site is located within the development limits for the urban area and therefore redeveloping the site for the proposed purpose can be supported in general planning policy terms subject to compliance with the appropriate local and national development plan policies.

65. The proposed development is acceptable in highway safety terms and the development will not result in adverse amenity conditions for the local area subject to the imposition of a planning condition to control the usage of the units. The development will sustain the significance of the Northgate Conservation Area, but it is noted that the site may not remain in the boundary of the Area should a revised draft Conservation Area Appraisal be adopted by the Council in the future.

66. The proposed development is considered to be acceptable in general design terms and will reinstate the site back to its previous use as garages. Trees will need to be removed to facilitate the development, but they are not covered by a tree preservation order and the majority are low quality specimens. Ecological enhancements have been secured, and the applicant has agreed to make a financial contribution towards offsite biodiversity net gain.
67. The proposed development is considered to accord with the appropriate local and national development plan policies.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)

- a) £2500 as a Biodiversity Net Gain contribution to be used by the Council towards improvements on land elsewhere in the Borough.

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 THE 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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 01 006 Vehicle Tracking
 - b) Drawing Number 01 002 Block Plans
 - c) Drawing Number 01 004 Proposed Plans
 - d) Drawing Number 01 005 Site Section

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

3. Prior to the commencement of the development a Structural Survey and Report carried out by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority. The Survey shall relate to the retaining wall and include design and calculations for new retaining walls or remedial measures to the existing retaining wall as required by the proposed garage structure. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In order to secure a satisfactory form of development.

4. No building shall be constructed above damp proof course level until precise details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and the street scene

5. Prior to first occupation of the development hereby approved, precise details of a dropped pavement crossing along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details. The agreed scheme shall be constructed as part of a Section 184 Agreement issued by the Local Highways Authority and be fully implemented prior to the first occupation of the development.

REASON – In order to provide appropriate pedestrian and vehicular access in the interests of highway safety.

6. The garages hereby approved shall be used only for the parking of vehicles and for residential storage purposes and not for any business or commercial purposes.

REASON – In the interests of safeguarding the amenities of nearby residential properties.

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

REASON – in interests of the amenity of the local area

8. No garage doors within the development hereby permitted shall open outward over the public highway.

REASON – In the interests of pedestrian and highway safety

9. The development, including demolition works, hereby approved shall not be carried out otherwise than in complete accordance with the Recommendations and Mitigation set out in Chapter 6.0 of the submitted document entitled “Ecological Impact Assessment for Former garage block Pendower Street Darlington DL3 6ND” produced by Dendra Consulting and dated December 2024.

REASON – In the interest of biodiversity and to secure ecological enhancements in accordance with policies ENV7 and ENV8 of the Darlington Local Plan 2016 -2036

10. The 2m wildlife zone shown on the approved plans shall be retained for the lifetime of the development and shall be without structures, hardstanding, footpaths, fences or formal landscaping.

REASON – In the interest of the visual appearance of the area and to protect wildlife within the watercourse.

11. The development hereby approved shall not be carried out otherwise than in complete accordance with the Mitigation Methods and Recommendations set out in Chapters 4.0 and 6.0 of the submitted document entitled “Pendower Street, Darlington Flood Risk Assessment” Version 2.0 dated 14 August 2024 and produced by RAB Consultants

REASON – In order to ensure that the development will not increase flood risk elsewhere.

12. The development hereby approved shall not be carried out otherwise than in complete accordance with the documents entitled “Arboricultural Impact Assessment for Trees on Land at Pendower Street, Darlington” produced by AI About Trees and dated September 2023

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

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the documents entitled “Arboricultural Method Statement for Trees on Land at Pendower Street, Darlington” produced by All About Trees and dated September 2023

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

INFORMATIVES

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of these works must contact Northern Gas Networks directly to discuss their requirements in detail. Contact should be made with the Before You Dig Team on 0800 040 7766 (option 3) or beforeyoudig@northerngas.co.uk

Highways

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing; contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

Invasive Species

Whilst the site has been checked for invasive species and none are present within the site boundaries, the developer is advised to adopt a cautionary approach when clearing the vegetation to ensure that no invasive species are accidentally introduced to the site.

Environmental Permitting

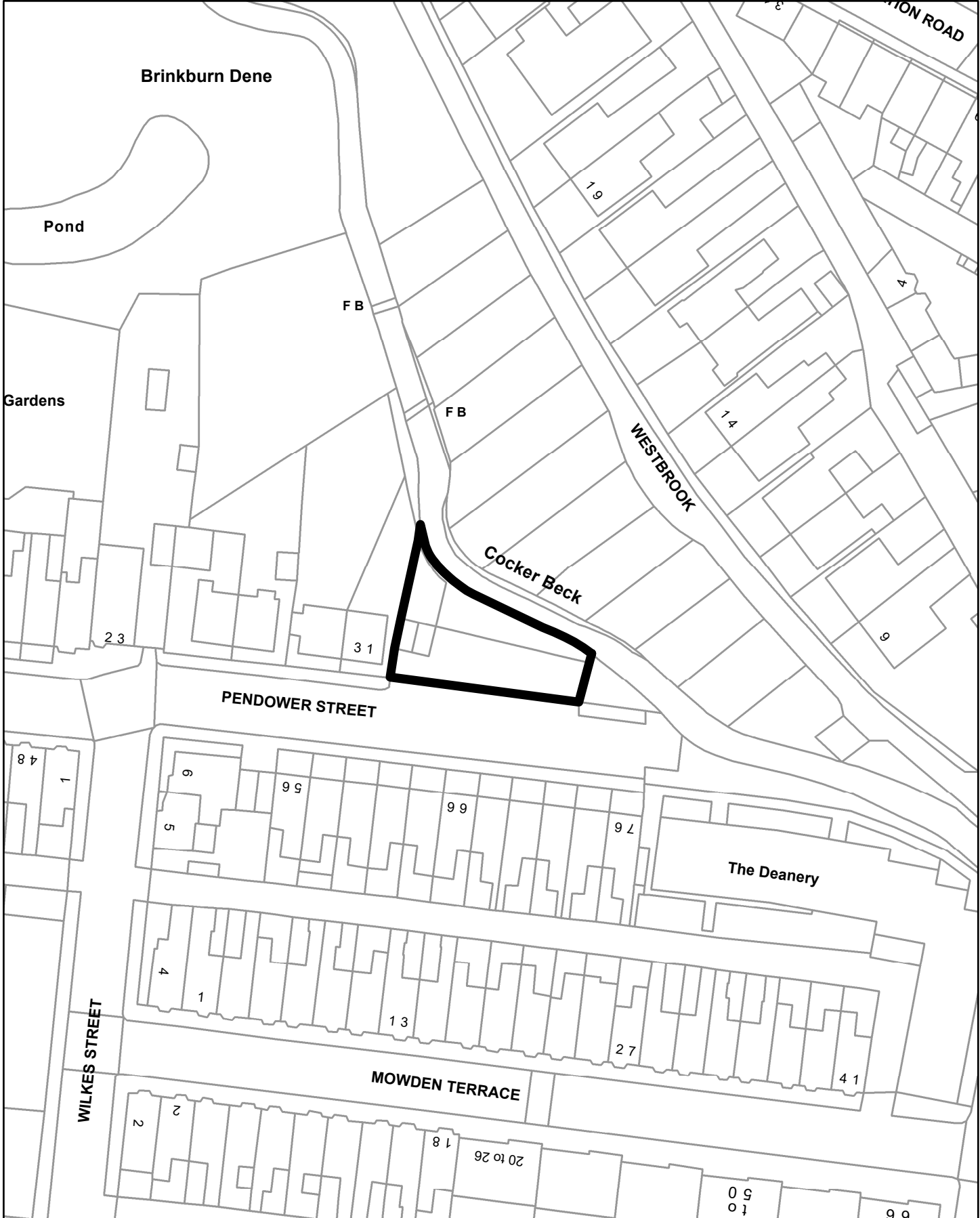
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they must consult with the Environment Agency at the earliest opportunity.

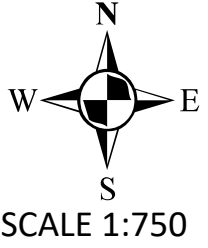
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Planning Ref No: 24/00231/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th March 2025

APPLICATION REF. NO: 23/00950/FUL

STATUTORY DECISION DATE: 14 March 2025

WARD/PARISH: Hurworth/Neasham Parish Council

LOCATION: Land To The East Of Neasham Road
Hurworth Moor
Darlington

DESCRIPTION: Change of use of land to Gypsy/Traveller site including erection of 2 no. utility buildings, siting of 2 no. mobile homes, 2 no. touring pitches with car parking, access road and associated works (amended Nutrient Calculator received 8th December 2023 and Provisional Nutrient Certificate received 18 January 2024; biodiversity net gain information and utility block details received 1 June 2024; Biodiversity Management Plan received 12 July 2024; amended site layout plan received 15 August 2024; amended Preliminary Ecology Assessment received 29 October 2024; Biodiversity Management and Monitoring Plan received 15 January 2025)

APPLICANT: Mr Robert Cunningham

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO 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=S1E1K5FPFTE00>

APPLICATION AND SITE DESCRIPTION

1. The application site measures approximately 0.37 hectares and was last used as grazing land. The site is located on the eastern side of Neasham Road in close proximity to the junction with Strait Lane. The site is bound by low open boarded fencing and boundary planting and there is an existing gated agricultural access connecting the site with Neasham Road.
2. Planning permission is being sought to change the use of the application site from grazing land to a Gypsy/Traveller site. involving the erection of two utility buildings, two mobile homes and space for two touring pitches with car parking, an internal road and access onto Neasham Road and associated works, such as landscaping. In August 2024, amended plans were received reducing the number of amenity buildings, mobile homes and touring pitches from five of each, down to two of each to meet ecology and biodiversity net gain requirements on the site.
3. Planning permission (ref no: 20/00889/FUL) was previously refused in December 2020 to change the use of the application site to a gypsy/traveller site comprising five amenity buildings, five mobile homes, five touring pitches with car parking, access road and associated works. The reasons for refusal were:
 - a) *In the opinion of the Local Planning Authority, the planning application site is not in a sustainable location. The proposed development does not provide safe, convenient and attractive access for pedestrians, cyclists, public transport users and disabled persons to existing networks, schools, shops, employment opportunities and other local facilities and services. These services are not accessible other than by the use of motor vehicles. The development would not fully comply with policies CS2 (Achieving High Quality, Sustainable Design) and CS13 (Accommodating Traveller Groups) of the Darlington Core Strategy Development Plan Document 2011.*
 - b) *In the opinion of the Local Planning Authority, the proposed development by virtue of its form and scale, will result in a visually intrusive feature within an open countryside location. The development will be visible along Neasham Road, forming an incongruous feature within the locality, which will have an unacceptable negative impact on the existing landscape character of the approach road and the surrounding area. The proposed development would be contrary to policies CS2 (Achieving High Quality, Sustainable Design); CS13 (Accommodating Traveller Groups) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.*
4. A planning appeal (ref no: APP/N1350/W/21/3266635) against the above decision was dismissed by the Planning Inspectorate in February 2022. The reason for the appeal being dismissed by the Planning Inspectorate was that substantial weight was given to the fact appropriate mitigation was not secured to achieve nutrient neutrality and consequently there was no certainty that the proposal would not adversely affect the integrity of the European designated nature conservation site. The refusal reasons set out in the local planning authority's decision notice (above) were not supported by the

Planning Inspector. Reference will be made to this appeal decision throughout this Report as it is a material planning consideration which carries significant weight in the determination process.

5. Planning permission has been granted on appeal (ref no: APP/N1350/C/21/3266272 dated 16 January 2024) to use the land to the north of and adjacent to this planning application site as a new private gypsy, traveller site with access from Neasham Road and the erection of fencing, gates and dog kennels and the installation of services for power and drainage of utility buildings. Further north, there is an existing gypsy site known as Little Beck, on the corner of Burma Road and Neasham Road, and planning permission has been granted on appeal (ref no: APP/N1350/C/21/3266271 dated January 2022) for two additional residential caravans and two touring caravans on the existing gypsy site.
6. The application site is immediately bound to the east and west by agricultural fields and paddocks. To the west, on the opposite side of Neasham Road is Sovereign House and the former Country Valley Foods premises which are both in commercial use. Lygon House is a dwelling on the opposite side of Neasham Road and Council records reveal that planning permission (ref no: 13/00902/FUL) was granted for three gypsy pitches on land to the rear of the property.

MAIN PLANNING ISSUES

7. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Sustainable Location
 - c) Parking and Highway Safety Matters
 - d) Residential Amenity
 - e) Impact on the Character and Appearance of the Area
 - f) Flood Risk and Drainage
 - g) Land Contamination
 - h) Ecology and Biodiversity Net Gain
 - i) Nutrient Neutrality

PLANNING POLICIES

8. The relevant local development plan policies are as follows:

Darlington Local Plan (2016 - 2035)

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

H9: Gypsy and Travellers Accommodation

ENV3: Local Landscape Character
ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure

9. Other relevant documents are as follows:

National Planning Policy Framework (2024)
Planning Policy for Traveller Sites (2016)

RESULTS OF TECHNICAL CONSULTATION

10. Following the submission of the amended plans in August 2024, the Council's Highways Engineer, Ecology Officer, Transport Planning Manager and Environmental Health Officer have raised no objections to the principle of the development.
11. Northern PowerGrid have raised no objections.
12. The Environment Agency have raised no objections.
13. Natural England have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

14. Six objections have been received from four properties following the Council's publicity and notification exercises on the original application and the amended plans. The comments can be summarised as follows:
 - *Taking into account the disruption this site as already caused to Neasham road and the commercial site traffic opposite, this is not the correct site for this development.*
 - *The road is dangerous with current levels of traffic and commercial vehicles. Another site entrance will add to this.*
 - *More suitable sites exist closer to town amenities/infrastructures rather than allowing more sites to harm the rural character of the area, damaging the green fields with this site.*
 - *Darlington already has sufficient existing gypsy/traveller sites (one within a mile of this location) to satisfy demand. Neighbouring sites of this nature have been denied for these reasons.*
 - *This stretch of Neasham Road is becoming an unregulated mess. In no way does another proposed development fit in with the rural nature of the area.*
 - *As this application is a carbon copy of 20/00889/FUL which was refused on application and at appeal I assume objections raised then will be considered again.*
 - *It would be helpful during this further gypsy/ traveller application for the council and the applicants to be clear whether there is a longer term plan to occupy the*

land from Burma Road to Skipbridge with this type of development. It is essential that local residents should be made aware.

- *GCNs and flooding need to be considered also.*
- *What is the source of the orange leachate that has coated the banks of the drainage channel along the east of Neasham Road? It only appeared after this development proceeded.*
- *This site has had numerous applications denied, when does no mean no?*
- *The site isn't suitable for this development for various reasons including traffic hazard on a very fast and busy road and also very close to a blind junction.*
- *The increase in business at Eurojag has already added to the hazard in this area, so the road cannot take any more additions to increase the hazards.*
- *There are already sufficient existing traveller sites to meet demand so no more are needed. Other illegal sites in the area have been set up and nothing done to remove them. I fear this will be another site that starts and then just grows and grows beyond planning permission. There is no need to damage further green field sites with this development. Work had already started on this site, and nothing done to remove this work. They have had enough planning rejections to prove this site is not viable and nothing significant has changed in the application to make sense to allow this. Continuing to apply just seems like harassment of the planning application system.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

15. 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 (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
16. Policy H3 of the Local Plan seeks to achieve the locational strategy for new development in the Borough by establishing development limits and development within them will be acceptable, subject to compliance with other relevant national and local policies. The limits ensure that development is located in sustainable locations, and they help to preserve the distinctive identities of existing settlements and differentiate between urban and rural areas. They also protect the open countryside and preserve landscape character and beauty.
17. The application site is located outside of development limits and is therefore within the open countryside. As such the proposal is contrary to policy H3 and does not follow the settlement hierarchy and distribution of development set out in policy SH1.
18. The Local Plan references the most recent Gypsy and Traveller Site Needs Assessment (GTAA 2017). The assessment identified a need of 5 residential pitches between 2017 – 2022 (1 per annum). Evidence showed a further need arises in the period 2022-37 which was calculated on a projection of 46 pitches (3 per annum). Two allocations are set out in the policy H9 of the Local Plan which are extensions to existing sites: Honeypot Lane

(8 pitches) and Rowan West/East complex (25 pitches). The Local Plan also sets out that evidence over the last 18 years supports making an allowance for 4 pitches per year coming forward as windfalls.

19. During the examination and determination of planning appeal ref no: APP/N1350/C/21/3266273 for the site adjacent to the application site, the Planning Inspector was concerned over whether the number of pitches planned to be created or brought back into use between 2017 and 2022 had been achieved and whether the rate of small sites being brought forward was being met. The Inspector also highlighted that the estimates of future need for Gypsy and Traveller pitches in the GTAA and in the subsequent 2020 addendum are based on a definition of Gypsies and Travellers that excludes those who have ceased to pursue nomadic lifestyles and does not accord with the current PPTS definition. Given the above, concerns were raised that the GTAA under-estimates the borough's need for pitches.
20. However, the provision of Gypsy and Traveller accommodation on small private sites is consistent with the Council's expectation of windfall sites and is allowed for policy H 9, subject to a proposal meeting the criteria set out within the policy. The criteria includes allowing new sites where;
- a) the site is clearly demarcated with pitch boundaries using appropriate boundary treatment and landscaping sympathetic to, and in keeping with, the surrounding area.
 - b) the site allows satisfactory access to local schools and other amenities.
 - c) the site design takes account of the needs of residents and provides an appropriate pitch layout and adequate facilities for parking, storage, play and, if required, grazing space for livestock.
 - d) there is safe access for pedestrians, cyclists and vehicles, including for turning and parking, vehicles towing caravans, emergency services and servicing requirements, including waste collection.
 - e) all necessary utilities can be provided on the site including mains water, electricity supply, drainage, sanitation and provision for the screened storage and collection of refuse, including recyclable materials; and
 - f) the proposal would avoid any unacceptable adverse impact on the amenity, health or living conditions of neighbouring residents or any other neighbouring uses, including as a result of flood risk, excessive noise, dust, odour, lighting, traffic generation, the keeping of livestock or other activities.
21. This Report will assess the proposal against the above policy.

b) Sustainable Location

22. Policy H9 of the Local Plan allows new gypsy and traveller sites where the site has satisfactory access to local schools and other amenities. Policy DC1 of the Local Plan sets out the sustainable design principles, including that good design will help to reduce carbon emissions and increase the resilience of developments to the effects of climate change. Policy IN1 of the Local Plan focuses on delivering a sustainable transport

network, encourages greater use of sustainable modes, identifying priorities and actions that all new developments will provide permeability and connectivity for pedestrians and cyclists being the first choice for short journeys.

23. Policy IN2 of the Local Plan states that neighbourhoods should be permeable by providing high quality, safe and easily accessible walking and cycling routes to important local services such as shops, schools, health care, leisure and employment opportunities. The policy continues to state that all developments should provide safe access to the Borough wide cycling and walking network.
24. As stated in paragraph 3 of this Report, the local planning authority refused the previous application on this site (ref no: 20/00889/FUL) on the grounds that the proposed development did not have safe, convenient and attractive access for pedestrians, cyclists, public transport users and disabled persons to existing networks, schools, shops, employment opportunities and other local facilities and services. These services were not considered to be accessible from the site other than by the use of motor vehicles.
25. In the appeal decision (ref no: APP/N1350/W/21/3266635), the Planning Inspector acknowledged that the nearest villages would be Hurworth or Neasham. It was also noted that the Local Plan identifies a settlement hierarchy and that Hurworth is a service village that offers a range of essential facilities and services and the rural village of Neasham, offers limited-service provision. The Planning Inspector acknowledged that there was an absence of formal footways linking the site with the wider area along Neasham Road, with the highway being devoid of any street lighting. The Inspector also recognised that the site is near to an advisory cycle route with connectivity to a wider cycle network and there is a bus stop further along Neasham Road, which operates during the daytime and includes Saturday and Sundays, serving Hurworth.
26. The Planning Inspector acknowledged that there is a Public Footpath linking through to Hurworth village and a bridleway to Darlington but despite this, access and navigation would be difficult by either walking or cycling, given the road conditions, distances and that this would be unrealistic throughout the year, particularly in winter months. The Planning Inspector was not satisfied that the Tees Flex Service would be readily available to future occupants.
27. The appeal decision stated that the opportunities to use sustainable modes of transport are restricted and that most journeys to and from the application site for either employment or to reach essential services would be made by private motor vehicles, whether to nearby villages of Hurworth or Neasham, or to the larger urban centres of Darlington. Notwithstanding this, the Planning Inspector stressed that these journeys to reach facilities and services within the nearby villages would not be unduly long and Hurworth offered a range of facilities including shops and schools.

28. The Planning Inspector did not agree with the refusal reason a) and concluded that the application site is in a suitable location for gypsy and traveller accommodation and would accord with the Local Plan in locational terms.
29. When considering the planning appeal (ref no: APP/N1350/C/21/3266272) for the land adjacent to the application site, another Planning Inspector, in his appeal decision, highlighted that the National Planning Policy Framework recognised that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, a matter that should be considered in decision-making. Viewed from that perspective and noting that journeys to services and facilities in Hurworth or Darlington would be relatively short, the site is not far away from existing settlements. For these reasons, the Planning Inspector for this planning appeal also considered that the neighbouring site was sustainably located for the provision of Gypsy and Traveller accommodation.
30. The comments made by the two Planning Inspectors that the application site and the adjacent site to the north are in an acceptable sustainable location for the provision of a gypsy and traveller site carries considerable weight in the determination of this revised proposal. Officers consider that the application cannot therefore be recommended for refusal on the grounds that the site is in an unsustainable location and based on the appeal decision accepts that there is satisfactory access to local schools and other amenities in accordance with policies DC1, IN1, IN2 and, in particular, H9 of the Local Plan.

c) Parking and Highway Safety Matters

31. The amended proposal seeks permission for the erection of two utility buildings, the siting of two mobile homes and two touring pitches with car parking and access arrangements onto Neasham Road. The entrance into the site from Neasham Road would be located quite centrally within the site and the internal road would contain turning heads to allow for vehicles to turn around and leave the site in a forward gear.
32. The site access would be located within a straight section of Neasham Road which is subject to a 60mph national speed limit. Whilst there is an existing informal access into the site off Neasham Road, the proposal is a significant intensification of use, and as such DMRB standards requiring visibility splays of 4.5m x215m must be demonstrated in the interests of highway safety. Given that the adjacent road has straight geometry, there is no reason that the advised visibility splays should not be achievable, with the removal or cutting back of some hedgerow. The required visibility splays can be secured by a planning condition.
33. All works within the adopted highway require the prior consent of the Highways Authority, which is a separate process distinct to planning approval. An agreed design and specification of access will be required, in this case via a Section 184 Agreement as mentioned in the suggested Informative. As the access also crosses a drainage ditch, a suitable pipe/culverted solution must also be agreed as part of a Section 184 Agreement

34. It is unclear what material the internal road will be constructed from but the first 12m measured back from the carriageway edge should be a sealed material to avoid loose material being dragged onto the highway. This can be secured by a planning condition.
35. A planning condition would also be required to secure the submission of a bin store within the site to demonstrate that future occupiers will be able to make use of the Council's roadside collection service.
36. The Council's Highways Engineer has raised no objections to the proposed development, subject to the imposition of appropriate planning conditions. The Planning Inspector, when determining the previous planning appeal (ref no: APP/N1350/W/21/3266635) on the site for five mobile homes and 5 touring pitches did not raise any highway safety concerns.
37. The proposal would accord with policies DC1, IN4 and H9 of the Local Plan in this regard.

d) Residential Amenity

38. It is not envisaged that the proposed development would give rise to significant residential amenity issues for existing properties in the area.
39. A noise assessment has not been submitted in support of the planning application. Whilst vehicles travelling along Neasham Road could be moving at the speed limit of 60mph, it is not a heavily trafficked road and consequently noise levels in the surrounding area will be likely to meet the criteria for a residential location. The impact of excessive noise from motor vehicle traffic on the future occupants of the site would not be a reason to refuse the planning application.
40. As stated in paragraph 35, the precise details of a bin store can be secured by a planning condition.
41. The planning application would accord with policies DC3, DC4 and H9 of the Local Plan in this regard.

e) Impact on the Character and Appearance of the Area

42. Policy DC1 of the Local Plan requires proposals to reflect the local environment and create an individual sense of place with distinctive character. This is supported by Policy ENV3 which seeks to protect the character and local distinctiveness of villages and rural areas, and states that development should positively respond to the landscape setting and protect and enhance the natural quality of the rural landscape.
43. Policy H9 of the Local Plan allows new sites to be provided for gypsy and traveller sites where, amongst other things, the site is clearly demarcated with pitch boundaries using appropriate boundary treatment and landscaping sympathetic to, and in keeping with the surrounding area.

44. The appeal site comprises of a small parcel of land some 0.37ha to the east of Neasham Road with an existing access point to the west. The land was former grazing land and is relatively flat, enclosed by existing fencing. The site is currently open in nature, and it adjoins extensive areas of open fields and the wider countryside to which the site relates closely to it.
45. As stated in paragraph 4 of this Report, the previous appeal decision for this site is a material planning consideration. The Planning Inspector, when considering the previous appeal (ref no: APP/N1350/W/21/3266635) for this site, stated that its open nature made a minor contribution to the overall rural setting and the Local Planning Authority would agree.
46. In the appeal decision, the Planning Inspector concluded that the proposal which was under consideration at that time (5 no. amenity buildings, siting of 5 no. mobile homes, 5 no. touring pitches etc) would alter the character of the area and would have some negative impact. However, as it would be seen as a relatively small development, with limited views and includes landscaping which would go some way to further screen the site, the harm caused by the development to the character and visual appearance of the area would be limited. The refusal reason (b) on visual amenity was not supported by the Planning Inspector as part of the planning appeal and the development was not dismissed on such grounds.
47. This proposal has been amended so that it now involves the erection of 2 no. utility buildings, siting of 2 no. mobile homes and 2 no. touring pitches. The utility buildings, mobile homes and pitches would be positioned to the rear of the site with the foreground landscaped on either side of the internal track. Further landscaping would be provided around the boundary edges of the site. The utility blocks would be brick built under a dual pitched roof. A planning condition has been recommended to secure the design and scale of the proposed mobile homes and for the design and location of any new means of enclosure.
48. A Landscape Appraisal has been submitted in support of the planning application which concludes short distance views are only partially achievable from the top of a Public Footpath further to the north of the application site; medium range views are unachievable in the months when vegetation is in leaf, with limited views in winter months when seen in the context of the existing adjacent gypsy traveller pitches and long distance views are not achievable from any surrounding public vantage points.
49. As concluded by the Planning Inspector, whilst the site would be screened to some degree, when viewed in combination with the existing sites, there would be some visual intrusion on this part of the rural landscape. The site would still be viewed along Neasham Road leading to some erosion of this open part of the countryside. However, this planning application is for a much-reduced form and extent of development than the scheme that was refused in 2020. The site is compact with demarcated plots with limited wider views. The landscaping and retention of existing hedging can be secured by a planning condition to protect and enhance the natural quality of the landscape.

50. The comments previously made by the Planning Inspector on this matter which carry significant weight, the reduced scale and nature of the new proposal and the objectives of policies DC1, H9 and ENV4 of the Local Plan have all been considered and whilst the development will be an impact on the visual appearance and character of the area, it would not be so adverse to justify refusing planning permission on such grounds.

f) Flood Risk and Drainage

51. As the application site is less than 1 hectare in size there is no formal requirement for the application to be supported with a Flood Risk Assessment. The site is entirely within Flood Zone 1 and therefore has a low risk of flooding which meets the objectives of Policies DC2 and H9 of the Local Plan. The planning application form states that surface water would be dispersed to an existing water course and foul waste would be disposed by the use of a water treatment plant. As set out in the Planning Compliance Statement submitted in support of the planning application, precise details can be secured by a planning condition. As stated in paragraph 33, the access also crosses a drainage ditch, and a suitable pipe/culverted solution must also be agreed with the Local Highway Authority as part of a Section 184 Agreement

g) Land Contamination

52. Part of the site has been identified as a former landfill. The planning application has been supported by the land contamination reports submitted with the previous application (ref no 20/00889/FUL). The results of the intrusive site investigation confirmed the presence of landfill with boreholes and trial pits uncovering made ground made up of concrete, glass, metal cans, sandstone, cobbles of brick and newspaper. The landfilled material was encountered primarily on the eastern edge of the site which correlates with the extent of the former clay pit that was then backfilled with landfill material. Testing of this material has shown that it contains levels of arsenic, lead and asbestos above the assessment limit criteria. Should the application be approved, these issues will need to be addressed in a Remediation and Verification Strategy.

53. Previous queries raised by Environmental Health at that time have been addressed by gas monitoring result documents (2020). Once again, it is recommended that if planning permission is granted, land contamination conditions must be attached. Further comments on land contamination have been included as an Informative. The proposed development would accord with policy DC1 of the Local Plan in this regard.

h) Ecology and Biodiversity Net Gain

54. An updated Ecological Appraisal has been submitted in support of the planning application which confirms that the site comprises of an area of modified grassland, with patches of tall ruderal vegetation and a native hedgerow with trees bordering the southern boundary.

55. Due to the location, limited footprint of the development and lack of connectivity between the site and surrounding statutory protected sites, it is considered that none

of the Sites of Special Scientific Interest, Local Nature Reserves or Local Wildlife Sites within 2km of the site will be significantly impacted.

56. The Ecological Appraisal concludes the modified grassland on site has the potential to support nesting bird, amphibians, reptiles and small mammals and the Council's Ecology Officer has advised that the findings of the Appraisal are accurate and have been conducted using best practice in line with current legislation. The Assessment makes a series of recommendations which can be secured by a planning condition.
57. For example, there are ponds in close proximity of the site which would need to be surveyed to identify the presence or absence of great crested newts and the Appraisal recommends when and how such surveys should be carried out or alternatively the applicant can apply for a District Level License from Natural England (which is covered by an Informative).
58. A biodiversity net gain (BNG) assessment has been conducted, and the Statutory Metric has been used in accordance with best practice. The baseline calculation was found to provide 0.72 habitat units and 0.92 hedgerow units. Habitats present on site included modified grassland and a species rich native hedgerow with trees. Taking the design plans into consideration it was determined that the post-development habitats on site would provide 0.79 habitat units and 1.09 hedgerow units. This would result in a net gain of 11.09% habitat units and 18.19% hedgerow units which would accord with policy ENV8 of the Local Plan.
59. The landscaping scheme for the site consists of two areas of modified grassland, species rich native hedgerow with trees and the planting of eight trees within the site. The precise details of the landscaping scheme can be secured by a planning condition.
60. A Biodiversity Management and Monitoring Plan (BMMP) has been submitted in support of the planning application which sets out the creation and long-term management and monitoring strategy of landscape and ecological features for a period of at least 30 years within the site. The Council's Ecology Officer has advised that the BMMP is acceptable.
61. The proposed development would accord with the requirements of policies ENV7 and ENV8 of the Local Plan.

i) Nutrient Neutrality

62. 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 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
63. As stated in paragraph 4 of this Report, the planning appeal for the site (ref no: APP/N1350/W/21/3266635) was dismissed on the grounds that the previous scheme did not include appropriate mitigation measures for nutrient neutrality.

64. A 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.
65. The information required to enable the Local Planning Authority to undertake the Screening Assessment and where necessary Appropriate Assessment is provided by the submitted Nutrient Neutrality Assessment and Mitigation Strategy Version 2 (24th November 2023) and Provisional Nutrient Credit Certificate. 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.
66. The submitted Nutrient Neutrality Assessment and Mitigation Strategy 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.
67. Natural England's Nutrient Budget Calculator tool for the River Tees catchment has been used to establish a nutrient budget for the proposal. The submitted calculations were based on the original proposal for 5 gypsy and traveller homes which would increase the total annual nitrogen load arising by 3.97kg per year. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool, the applicant proposes to mitigate this nitrogen surplus by purchasing 4.4 credits from the Natural England Tees Catchment credit scheme which is more than the surplus nitrogen of 3.97kg that needs to be mitigated. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place.
68. The number of gypsy and traveller homes within the application has now reduced since the applicant purchased credits from Natural England and clearly the number of credits that they will ultimately require will be less than 4.4 credits. However, the applicant wishes to continue on this basis and the local planning authority remains satisfied that there is sufficient mitigation to ensure that the proposal will not have an adverse effect on the protected site. The applicant will need to renegotiate with Natural England to reduce the amount of credits that they require for the amended scheme and submit their revised calculator and Final Nutrient Credit Certificate to discharge planning condition 9) listed below.

69. The applicant has also stated that wastewater will be treated via a Graf one2clean Small Wastewater Treatment System which will produce 7.9mg/l of total nitrogen. A condition is required to ensure that this specific wastewater treatment system is installed to treat wastewater from the proposed development. This is required to make sure that the nitrogen output is as proposed.
70. It can be concluded that, subject to planning conditions, the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations.
71. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have raised no objections subject to the planning conditions being imposed.

THE PUBLIC SECTOR EQUALITY DUTY

72. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

73. 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

74. This is a revised scheme following an appeal decision on the site for five gypsy traveller units in May 2022. The findings of the appeal decision are a material planning consideration which carry significant weight in the determination of this planning application. There have also been more recent successful appeal decisions for gypsy and traveller sites on land adjacent to the application site which are relevant.
75. This small development would contribute towards the delivery of windfall gypsy and traveller sites within the Borough. As set out in this report, the location of the site was considered to be sustainable by the Planning Inspector (as was the adjoining site more recently by another Planning Inspector) and the visual impact of the revised development is not sufficient to justify a reason to refuse the planning application.
76. There are no residential amenity objections or highway safety concerns subject to the imposition of planning conditions. Biodiversity net gain would be achieved by an onsite landscaping scheme and the applicant has provided evidence that the scheme will be nutrient neutral by purchasing credits from Natural England. Planning conditions have

been recommended in relation to land contamination, drainage and general ecology matters.

77. Having considered the findings of the appeal decision for this and neighbouring sites and the reduced scale of the proposal, the requirements of policy H9 have been shown to be met along with all other national and local development plan policies and material planning considerations.

GRANT PERMISSION SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 01 Existing Site Plan Site Location Plan
 - b) Drawing Number 04 Utility Block Plans and Elevations
 - c) Drawing Number 20.009-AMS-XX-XX-DR-A-XXXX Rev P1.3 Site Plan

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

REASON - To restrict occupation of the site to Gypsies and Travellers in view of the limited supply of available sites within the Borough, which does not justify general residential occupation.

4. No more than two mobile homes and two touring caravans shall be stationed on the land at any time.

REASON - To ensure the site design takes account of the needs of residents and provides an appropriate pitch layout and adequate facilities for parking, storage, and play, as required by Policy H 9 of the Darlington Local Plan 2016 - 2036 and to limit the scale of development in the countryside, consistent with policy SH 1 of the Darlington Local Plan 2016 - 2026.

5. Prior to the commencement of the development, precise details of the mobile homes shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include the size, colour and design of the mobile homes and the

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

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

6. No utility block shall be constructed above damp proof course until precise details of the external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and surrounding area

7. Notwithstanding the details submitted within the planning application, a landscaping scheme comprising modified grassland, the planting of species rich native hedgerow with trees and at least eight urban trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, 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 30 years to the satisfaction of the Local Planning Authority.

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

8. Prior to the commencement of the development, precise details of the means of enclosure for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be installed prior to the first occupation of the site

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

9. Prior to the first occupation of the development hereby approved, 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

10. Prior to the first occupation of the development, precise details of a Wastewater Treatment System required to produce 7.9mg/l of total nitrogen shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the approved

wastewater treatment system shall be installed prior to the first occupation of the development and shall remain in place for the lifetime of the development.

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

11. Prior to commencement of the development, precise details of visibility splays of 4.5x215m from the site access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include means of enclosure at the access point and hedgerow removal works and the development shall not be carried out otherwise than in complete accordance with the approved details. Works to provide the required visibility must be completed prior to occupation of the site and maintained throughout the life of the development.

REASON: In the interests of highway safety.

12. Prior to the commencement of the development, precise details of a scheme for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development.

REASON – In order to reduce flood risk and in the interests of the amenity of the area.

13. In order to ensure that no loose material is pulled onto the adjacent carriageway (Neasham Road), the first 12m of the drive within the site shall be constructed in a sealed material (not loose gravel or similar).

REASON: In the interests of highway safety.

14. Where gates are to be installed, they shall be set back 12m from the edge of the adjacent carriageway (Neasham Road) in order to allow vehicles to pull off the main carriageway. Any gates shall be set back a sufficient distance from the edge of carriageway to provide a factor of safety as this access adjoins a 60mph road.

REASON: In the interests of highway safety.

15. Prior to the first occupation of the development, precise details of a bin store shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details and the bin store shall be in place prior to the first occupation of the development and shall remain in place for the lifetime of the development.

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

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

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

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

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

18. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

19. The development hereby approved shall not be carried out otherwise than in complete accordance with all of the Recommendations, Mitigation, Compensation and Enhancement measures set out in Chapter 6 of the submitted document entitled “Preliminary Ecological Appraisal Land off Neasham Road Darlington DL2 1QH” dated October 2024 and produced by ECOSERV.

REASON – In the interest of biodiversity and ecological nature of the site and surrounding area in accordance with the National Planning Policy Framework 2024 and policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036

20. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted document entitled “Biodiversity Management and Monitoring Plan (BMMP) Land off Neasham Road Darlington DL2 1QH” dated October 2024 and produced by ECOSERV. The approved HMMP shall be strictly adhered to and implemented in full for a duration of at least 30 years.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework 2024 and policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036

INFORMATIVES

Natural England License

Further survey work for GCN has been recommended in the submitted “Preliminary Ecological Appraisal Land off Neasham Road Darlington DL2 1QH” due to recent records from the pond adjacent to the site and the likely impacts upon the grassland (suitable terrestrial habitat for GCN) arising from the development. As an alternative, the Appraisal states that the Natural England’s District Level Licensing scheme could be used and should this be the preferred option for the developer, a copy of the Licensing Certificate must be submitted to the Local Planning Authority for recording purposes.

Section 184 Crossover

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works

Contaminated Land

Darlington Borough Council has approved similar applications for mobile homes and prefabricated housing on former landfill sites. Details of the mitigation and verification strategies devised for those sites are available on the DBC planning portal. Mitigation measures for those sites included a concrete pad and impermeable membrane which extended beyond the footprint of the static caravans, preferential pathways being created beneath the concrete foundations to allow the dispersal of any ground gas via a venting pipe on the edge of each concrete base, and individual independent verification of the installation of ground gas membranes beneath caravans. These measures were devised by a consultant recognised as an expert in ground gas from landfills and are likely to be required for this site in addition to the

measures proposed by FWS at the conclusion of the site investigation submitted with this application.

Duty of Care – Advice for the Applicant

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/file/48484/waste-duty-carecode-practice-2016.pdf

If you need to register as a carrier of waste, please follow the instructions here:

<https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

There are some waste exemptions which don't need to be registered. These are called Non Waste Framework Directive (NWF) exemptions. These relate to the process of gathering waste together and storing it at the place where it's produced. Although you don't have to register this exemption, you must still comply with the terms and conditions of the exemption. Further information on the NWF 2 temporary storage at the place of production and relevant conditions can be found here: Waste exemption: NWF 2 temporary storage at the place of production - GOV.UK (www.gov.uk) If you require any local advice or guidance please contact your local Environment Agency office: Teesdale House, Lingfield way, Darlington, DL1 4GQ. Telephone: 0370 850 6506

Development near activity regulated by an Environment Agency permit – Advice to Applicant

New development within 30 metres of a Metal Recycling Facility could result in impacts including the nearby community being exposed to potential odour, noise, dust, and pests. The severity of these impacts will depend on relevant local factors, for example the size of the facility, the nature of the activities or prevailing weather conditions.

Planning policy requirements state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing Metal Recycling Facility could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring Metal Recycling Facility and/or through financial contributions to the operator of the facility to support measures that minimise impacts.

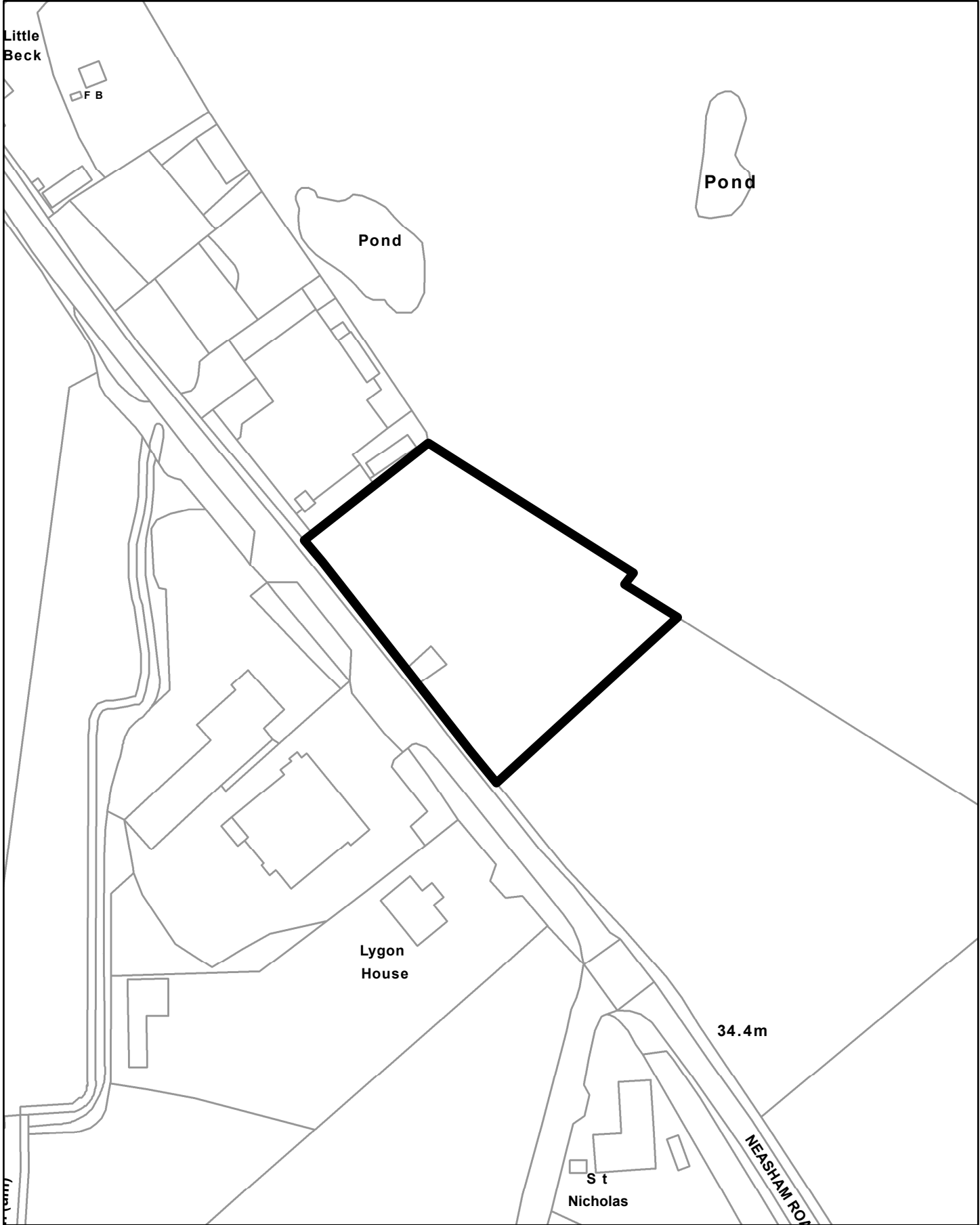
Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents' concern. There are limits to the measures that the operator can take

to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 187 of the NPPF. When a new development is built near to an existing Metal Recycling Facility this does not automatically trigger a review of the permit.

Non-mains foul drainage – Advice to Applicant

In addition to planning permission, you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form the Environment Agency will carry out an assessment. It can take up to 4 months before they are able to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway, and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: *Septic tanks and treatment plants: permits and general binding rules*.

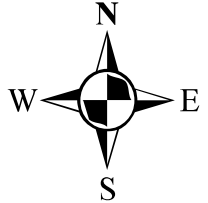
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Planning Ref No: 23/00950/FUL

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