

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5<sup>th</sup> August 2020**

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**APPLICATION REF. NO:** 20/00196/FUL

**STATUTORY DECISION DATE:** 7<sup>th</sup> August 2020

**WARD/PARISH:** Hurworth

**LOCATION:** Land at Neasham Road & Snipe Lane,  
Hurworth Moor DARLINGTON

**DESCRIPTION:** Hybrid application for demolition of existing farmhouse and outbuildings and erection of 305 dwellings, including 150 affordable dwellings, with associated landscaping; access and parking (in detail) and up to 144 affordable dwellings with all matters reserved apart from access (in outline) (additional archaeology report received 14th April 2020; amended and additional plans and documents received 29th May 2020 and 2 June 2020; additional and amended information, including ecology and drainage information received 3 July 2020)

**APPLICANT:** Homes by Esh/Darlington Borough Council

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO A DARLINGTON BOROUGH COUNCIL CABINET RESOLUTION REGARDING PLANNING OBLIGATIONS; THE REMOVAL OF A HOLDING OBJECTION FROM HIGHWAYS ENGLAND AND PLANNING CONDITIONS**

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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=Q82CFLFPLC D00>

**APPLICATION AND SITE DESCRIPTION**

1. The application site is approximately 23.83 Ha of pastureland segregated into fields and bounded by a series of mature trees and hedgerows. The site is bound

by the Darlington to Middlesbrough railway line, existing dwellings and Geneva Wood Local Nature Reserve to the north; by the Northern Echo Arena and Rowan West travellers site to the east; the A66, open fields and residential dwellings to the south and open fields and farmsteads interspersed with dwellings to the west. Within the application site boundary are redundant livery, equine buildings and a farmhouse. The site topography is generally flat and there are various Public Footpaths (Hu14, Hu17 and Da43) that cross the development site and link to the wider rights of way network.

2. The proposal is to demolish the existing buildings within the site and develop it for residential purposes comprising a total of 449 dwellings. The planning submission is a hybrid planning application comprising the following:

*Detailed Submission*

- a) 150 dwellings to be constructed by Darlington Borough Council. These will be a mix of 2, 3 and 4 bed properties comprising two storey dwellings and three storey apartments blocks
- b) 155 market dwellings by Homes by Esh. These are a mix of 2, 3 and 4 bed, two storey properties.

*Outline Submission*

- a) 144 affordable dwellings with all matters reserved for future consideration apart from access. The developer for these dwellings is not known at this stage. This part of the site will be the subject of future reserved matters applications.
3. The application site will be served by two vehicular access junctions off Neasham Road. As part of the initial infrastructure works both site entrances will be connected by an internal loop road which will be used for a new bus route servicing the proposed development.
  4. The site layout includes open space and landscaping, sustainable drainage systems; the creation of landscape buffer zone along the southern and eastern boundaries of the site to screen the A66 and Neasham Road from the proposed development and assist with noise attenuation; the creation of an extensive Footpath / Cycleway network within the site that links to the existing network and beyond; the introduction of a variety of habitats; formal and informal recreation spaces, including a play area.
  5. The site is primarily within the ownership of Darlington Borough Council with sitting agricultural tenants and there is a section of the site adjacent to Snipe Lane where the ownership is unknown. The planning application has been supported by the appropriately signed ownership certification in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Planning Obligations**

6. The planning obligations referred to in this report would ordinarily be secured by way of a Section 106 Agreement. Given the application site is owned entirely by Darlington Borough Council it is not possible for a Section 106 Agreement to be entered into as the Council as landowner is unable to enter into an agreement with the Council as planning authority. Instead the Council as landowner will make a cabinet resolution whereby it resolves to comply with the planning obligations relating to the development of the site pursuant to the Planning Permission and referred to in paragraph 127 of this report. The cabinet resolution will mirror the wording of a Section 106 Agreement and the Council will resolve to make the payments and comply with the on-site deliverables required in relation to the site. The cabinet resolution will also include a resolution by the Council that it will not dispose of any part of the site without requiring the person to whom the disposal is made to enter into a Section 106 Agreement in the same terms as the cabinet resolution (adjusted in the event that the disposal relates to part only of the site). The cabinet resolution is referred to as the Planning Obligation Cabinet Resolution in this report.

#### **Statement of Community Involvement**

7. In accordance with the Council's adopted guidance, a Statement of Community Involvement exercise was carried out by the applicant in February 2020 prior to the submission of the planning application. The overall feedback is reported as being largely positive with some concerns raised over flooding, drainage, access to Snipe Lane and school allocations which have been responded to by the developer and considered as part of the application and the supporting technical documents.

#### **Environmental Impact Statement**

8. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development, subject to mitigation measures, would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

#### **MAIN PLANNING ISSUES**

9. The north eastern corner of the application site has been the subject of an outline permission (ref no 08/01004/OUT) for residential development (160 dwellings) which was approved in September 2016 subject to a Section 106 Agreement.
10. The main issues to be considered here is whether the proposal is acceptable in the following terms:
  - a) Planning Policy
  - b) Affordable Housing Provision
  - c) Impact on the Character and Appearance of the Area
  - d) Sustainable Transport Matters
  - e) Highway Safety and Parking Provision
  - f) Residential Amenity

- g) School Places
- h) Flood Risk and Drainage
- i) Archaeology
- j) Ecology
- k) Impact on Trees
- l) Public Rights of Way
- m) Contaminated Land
- n) Air Quality
- o) Impact on Surrounding Rail Network
- p) Planning Obligations

## **PLANNING POLICIES**

11. The relevant Local Plan policies include those seeking to ensure that the proposed development

- Is located within the limits of development (E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011)
- The development accords with the criteria for new housing development being permitted in the open countryside (Policy H7 of the Local Plan 1997)
- Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
- Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
- Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
- Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
- Does not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping (Policy CS5 of the Core Strategy 2011)
- Protects buildings, their settings and features of archaeological interest (CS14 of the Core Strategy 2011)
- Protects, restores, extends and manages the Borough's biodiversity (CS15 of the Core Strategy 2011)
- Incorporates appropriate hard and soft landscaping which has regard to the setting of the development (saved policy E14 of the Local Plan 1997)
- Takes account of the location and impact upon trees within or around the site (E12 of the Local Plan 1997)
- Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)

- Provides a quality, accessible and safe network of well connected, multifunctional green spaces and protects and enhances the green infrastructure network (Policy CS17 of the Core Strategy 2011)
- Improves transport infrastructure and creates a sustainable transport network (CS19 of the Core Strategy 2011)
- Secures the necessary physical, social and environmental infrastructure requirements to be delivered by planning obligations and a Section 106 Agreement (policy CS4 of the Core Strategy 2011)

12. The National Planning Policy Framework 2019

13. Other relevant documents are the Council's adopted Supplementary Planning Documents on Design for New Development and Planning Obligations.

#### **RESULTS OF TECHNICAL CONSULTATION**

14. No objections have been raised to the principle of the development from the Council's Highways Engineer, Transport Policy Officer, Public Rights of Way Officer; Environmental Health Officer, Head of Skills and Employability (Education); or the Council's Ecology consultant subject to the imposition of appropriate planning conditions where requested.

15. There have been no objections to the principle of the development from the statutory consultees that were consulted on the planning application subject to the imposition of appropriate planning conditions where requested.

#### **RESULTS OF PUBLICITY AND NOTIFICATION**

16. Five letters of objection have been received following the various publicity exercises for the planning application. The comments can be viewed on the Council's website and can be summarised as follows:

- *Green belt land; wildlife and habitat will be destroyed*
- *There must be ample brownfield land that can be used for this purpose*
- *Wildlife thrives in this area and it is a treasured piece of the local community. We should be protecting our greenspaces*
- *Despite the various landscaping schemes, the Ecology Report submitted with the application states that the development of the site would result in a permanent net loss of green space which cannot be mitigated for and which could contribute to further declines in biodiversity across the UK in line with current trends in various biological indicators, for example, the status of UK priority species and insects of the wider countryside and farmland, woodland and wetland bird species*
- *The green space in question and the public footpaths through it are a much appreciated natural resource for people round about, just a lovely little "nature walk" to enjoy.*
- *A few years ago, a proposal to relocate the livestock market to this very site was rejected by the Council because it would have constituted an unsuitable development in the green belt, and now an estate of hundreds of houses would be so much worse.*

- *It is claimed that development of this site for housing will boost the local economy by creating temporary construction jobs. But development of this site, against NPPF and Local Plan guidelines, and contrary to the requirements of the NERC Act, would cause permanent loss of irreplaceable natural habitat and hasten the disappearance of already declining species such as linnet, skylark and lapwing. We must protect the natural habitat we all need.*
- *The supplementary ecology information lists a further fourteen “protected and priority” species potentially affected, in addition to the eight breeding species “identified as a priority for conservation in the UK under the NERC Act s41” mentioned in the preliminary report,*
- *The document’ Neasham Road: Biodiversity Metric Calculations of 3 July 2020 has predicted that the development as now amended would still incur “a net biodiversity loss of -4.20 biodiversity units... (5% loss based on current value)”.*
- *Development of this sensitive ecological habitat would still, therefore, run contrary to both the National Planning Policy Framework and Darlington Borough Council’s own Local Plan, and would still constitute a breach of DBC’s responsibilities under the 2006 Natural Environment and Rural Communities Act.*
- *The National Planning Policy Framework states that “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused” (para 175)*
- *Policy ENV7 of the Local Plan that “The Council will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection. The Council will also permit proposals where the primary objective is to conserve or enhance biodiversity where they accord with other relevant policies in the Plan. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, mitigated, or compensated for as a last resort. Development will be expected as a minimum to ensure no net loss of biodiversity or geodiversity.”*
- *Under the 2006 Natural Environment and Rural Communities Act, DBC have a statutory obligation to protect this site’s ecology; Penn Associates’ bird survey found eight breeding species within the site which “are identified as a priority for conservation in the UK under the NERC Act s41” including four breeding pairs of lapwing, the latter “of particular significance in the site given their nationally declining status”. DBC are reminded that “Public bodies are required to afford S41 species particular consideration for protection under the NERC Act 2006 as species of principal conservation importance.”*
- *Despite the amended plans, this huge housing development would still contravene the Government’s NPPF, DBC’s new Local Plan and the NERC Act*
- *As the amended plans would still produce a net biodiversity loss, the development would still “contribute to further declines in biodiversity across the UK in line with current trends in various biological indicators, for example,*

*the status of UK priority species and insects of the wider countryside and farmland, woodland and wetland bird species.”*

- *Two sites are identified as being available for biodiversity mitigation. The first at Ivy House, Snipe Lane, is immediately adjacent to the proposed development and would only add a potential +2.2 biodiversity units into the equation, so that the development would still incur a net loss. The second potential mitigation site is miles away from the development site, on Staindrop Road, which it is reckoned could be enhanced to produce a 10% net gain. That this could seriously be suggested as in anyway mitigating the ecological disaster planned for Neasham Road is a disgrace. You would permanently destroy the irreplaceable natural habitat in what used to be regarded as “green belt” in the Eastbourne area, and “mitigate” it by making the west end even richer?!? This is grossly unfair and incredibly insensitive, and will in no way “mitigate” the loss of this natural resource to the people, animals and birds of Neasham Road and Eastbourne. It’s an absolute disgrace to propose such a thing.*
- *That whole area from Geneva Woods to Neasham Road and the A66 bypass should be a designated nature reserve for the continued benefit of its indigenous species and the people of the Eastbourne area.*
- *It really is a lovely area to walk through as a “nature walk”. No amount of landscaping could compensate for the building of more than 300 houses; the whole appeal of a walk along Snipe Lane lies in being out “in the country” and in the possibility of spotting some deer, a lapwing, or an owl.*
- *We must protect the natural habitat we all need. That’s why these guidelines and protections exist. Ignoring them and nibbling away at the environment bit by bit with inappropriate developments allowed here and there all adds up to massive irrecoverable loss and extinctions.*
- *It is a much-appreciated natural resource for people round about, just a lovely little “nature walk” to enjoy. Please don’t take it away.*
- *We have significant concerns in respect of the lack of consideration that has been given to the delivery of the wider emerging site and it is unclear from the submitted information how the Local Planning Authority view the site, having regard to its current status in the Development Plan (i.e. unallocated and beyond the Development Limits) and the amount of weight that is being afforded to the emerging plan, particularly considering the recent decision to stop progress until further notice as a result of the Coronavirus pandemic;*
- *The planning statement does not identify or address the fundamental point that the site is located beyond the development limits and is not currently an allocation for development.*
- *There is also no reference to the emerging housing allocation statement for ‘Snipe Lane, Hurworth Moor’. We have seen no reference to how the current planning application has given consideration to how it will facilitate and enable the delivery of the entire emerging allocation*
- *Whilst this site, along with our client’s land (to the west), should come forward for development, it is important that this application is not rushed through without a full and proper consideration of the relevant planning policy context, and the Council as the local planning authority needs to be confident that the scheme will not restrict the wider delivery of the emerging allocation*

- *We would also take this opportunity to ask whether an opportunity is not being missed by the Council to deliver a development of some quality.*

17. A petition, containing 12 signatories, objecting to the planning application has been received.

18. The Campaign to Protect Rural England has objected to the planning application on the following grounds

- *The development is outside the Development Limit and the Borough has a Five-Year Housing Land Supply, so this proposal is contrary to the Borough of Darlington Local Plan. The National Planning Policy Framework (NPPF) is clear that applications that conflict with a Local Plan should be refused;*
- *This application is for a large greenfield site for which there is no need as the Borough already has enough housing land allocated and enough existing permissions for housing to fulfil its housing need for many years to come; and*
- *CPRE Darlington is aware that the site is allocated for housing in the emerging Local Plan, but that Plan has yet to be subject to an Examination in Public and we are not aware of a consolidated document to submit to the Secretary of State. Currently we understand there is a primary document with an additional list of modifications. In our view this can carry little or no weight in determining planning applications. The emerging Local Plan is also subject to major controversy, with CPRE and other local groups contesting in particular the housing figures being used and the necessity for the amount of housing which is proposed.*

19. Representations have been submitted by Darlington Mowden Park Rugby Football Club. The Club are not objecting to the application but highlighting that the Council must take into account the existing and future operations of the stadium and that their operations must not give rise to any amenity issues for the residents of the proposed houses on the development, for example noise and highway safety.

20. Representations have been submitted asking the developer to consider incorporating measures into the overall drainage strategy for the site to alleviate historical watercourse and land drainage issues around the Railway Cottages.

## **PLANNING ISSUES/ANALYSIS**

### **a) Planning Policy**

21. Utilising the local housing need for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council can demonstrate a 15 year supply of deliverable housing land and sites. This being the case, relevant policies with the local development plan for the supply of housing can be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.



22. The aim of saved policy E2 (Development Limits) of the Local Plan is to direct new development to within the development limit of the villages and the main urban area and to safeguard the character and appearance of the countryside. Saved policy E2 also seeks to direct development to the urban areas, which are likely to be more sustainable.
23. Policy CS1 of the Core Strategy 2011 sets out the Council's locational strategy for new development, focusing upon the main urban area and the larger service villages of Hurworth, Heighington and Middleton St George.
24. The application site is located beyond, but adjacent to, the development limits and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan and Policy CS1 (Darlington's Sub regional role and Locational Strategy) of the Core Strategy (2011)
25. The scheme would also be contrary to saved policy H7 (Areas of Housing Development Restraint) of the Local Plan 1997. This policy lists criteria as to when housing development would be permitted outside of development limits and in the open countryside, such as conversion and extensions of existing buildings and agricultural and forestry justifications and the proposal would not accord with the policy.
26. Whilst very limited weight can be given to policies within the emerging local plan, it is acknowledged that the site has been identified as a housing allocation in the Proposed Submission Local Plan which has been approved by the Council for submission to Government for examination. In assessing the site as an allocation, the site was subject to a Sustainability Appraisal and was assessed as a sustainable location for development (a requirement of saved policy E2)
27. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).
28. Officers will highlight within this report, other material planning considerations that can carry significant weight in the determination of this planning application in accordance with the 2004 Act and the NPPF which will enable Members to support this departure from the local development plan. Whilst the development is outside the current development limits and therefore normally contrary to the local development plan policies which main aim is to protect the character and appearance of the landscape, the fact that the landscape in this location does not have any particular quality, that there is a significant social benefit due to the extent of the affordable housing within the scheme and that measures have been secured to make the site sustainable outweigh the policy considerations in this instance and would allow the application to be supported.

*Other policy comments*

29. Comments that have been submitted on behalf of the adjacent landowner about how this site relates to the proposed wider housing allocation within the emerging local plan. Officers would advise that this carries very limited weight within the determination of this application. Whilst, the emerging local plan has been approved by the Council, the weight attached to the emerging local plan policies are not outweighed by the current local development plan policies upon which this application is being considered. The adjacent landowner would need to engage with the Council as landowner and one of the developers of the site to ensure that this development would be constructed in a manner which would enable further future developments alongside, if the wider allocation is accepted following government examination and the emerging local plan is adopted. Furthermore, the proposed layout does include spurs in the road network which could be used as links to potential development to the west.

#### **b) Affordable Housing Provision**

30. Darlington Borough Council will undertake construction of the affordable housing within the detailed phase of this scheme. A registered provider (RP) will undertake construction of the affordable housing, which is the outline phase of proposed development, which will be expected to comply with the qualifying criteria for allocation to an 'eligible person'. Currently, discussions are ongoing to find a preferred RP.
31. The Strategic Housing Market Assessment completed for Darlington in 2015 identified that there is a need for 160 affordable dwellings for rent across the Borough of Darlington each year and this continues to be an issue. This reflects historically low percentages of social and affordable homes compared to neighbouring local authorities. Whilst the Council provides encouragement and support to both local and national housing associations operating in our area, unfortunately they have tended to provide relatively low numbers of affordable housing units on average.
32. Over time the Council has also lost substantial numbers of properties to the Right to Buy scheme and the majority of these have been larger family homes which the Council have a shortage. Further dwellings have been demolished as part of large-scale regeneration initiatives so there is an ongoing need to re-provide more dwellings.
33. Waiting list statistics for Council accommodation have remained stable over time with around 1,600 to 1,700 applicants in total. However, this reflects the heavy reliance of our Housing Options Team in supporting applicants to move into privately rented properties, where standards can often be relatively poor. We are also currently experiencing much higher volumes of homelessness than in previous years.
34. For the 5-year period 2015/2016 to 2019/2020, there was a target of affordable housing of 800 new homes and the actual number delivered was 512. This shows there is a demand for affordable housing that would be met by the Neasham Road development site. Currently there is shortfall of 288 homes throughout the borough and the development scheme proposed would provide

150 new affordable homes constructed by Darlington Borough Council together with a further 144 homes within the outline phase.

35. The affordable units will be a mix of 2, 3 and 4 bed dwellings. This type of affordable housing has been identified as suitable for meeting the identified demand and there is a particularly strong demand for family housing.
36. The affordable provision within this scheme (65% of the proposed development), accounts for over 3 times the amount required by the current planning policy, which is 20%. This is split between two areas, 33% will be provided by Darlington Borough Council and 32% will be provided by a Registered Provider.
37. As previously stated, waiting list statistics have remained stable over time with around 1,600 to 1,700 applicants in total. This shows there is a significant demand for affordable housing across the borough. The development proposal will provide 294 affordable new dwellings to meet the current requirements over the coming years.
38. In summary the housing register, currently has 1627 households with live applications within the borough. This comprises of 608 families with dependent children & 1019 single/couple households. It is clear that there is a significant under provision in the delivery of affordable homes within the Borough
39. Consequently, significant weight can be given to the above evidence which can be argued to be a material planning consideration and would outweigh the normal planning policy considerations.

**c) Impact on the Character and Appearance of the Area**

40. The site is relatively flat with little topographical variation, and it is mainly pastureland with tall hedgerows enclosing fields. This provides a relatively rural setting for the farmsteads and cottages located within the site. Field boundaries are typically formed by taller, mature hedgerows dominated by hawthorn species. Pony paddocks around the farm steadings are enclosed by modern post and wire fences.
41. Most of the farmland in the south appears in good condition. The outbuildings and farm infrastructure along the track at the northern boundary give an urban fringe feel to the landscape. The A66, railway line and Northern Echo Arena introduce human influence, including lighting, into the landscape and reduce the sense of tranquillity.
42. The site is not important in skyline views and due to the rail lines, topography and site vegetation. There is limited intervisibility with the surrounding landscape. The site does not have a strong visual relationship with Darlington due to the intervening railway and woodland. The rural properties located within the parcel have more visual interaction with the landscape but localised planting and positioning of properties looking away from the main site reduce this relationship.

43. Apart from hedgerow vegetation and small wooded copses, there are no natural heritage features within the site.
44. A Landscape Sensitivity Report of potential housing sites in Darlington which was undertaken in 2019 on behalf of the Council to inform decisions relating to a number of proposed housing and mixed use allocations within the Borough concluded that the site has low landscape and visual value and low sensitivity to potential redevelopment. Also, the Darlington Landscape Character Assessment (2015) as part of the emerging Local Plan concluded that extending the development limit to the A66 would retain a strong settlement boundary without impacting unduly on this character area.
45. Officers would agree with the findings of these Reports and the low landscape value of the existing site and low visual contribution it makes to the urban edge is also a material planning consideration that carries significant weight in the determination of this planning application.
46. This is a hybrid planning application whereby part of the development comprising 144 dwellings is in outline and will be subject to future reserved matters submissions. Whilst the submitted layout plans show how this part of the development could be built out, there are no detailed plans showing house types, landscaping, layout for this phase of the development. The phase of the development which is subject to outline permission, is located centrally within the overall layout and its final design will be influenced by the wider scheme that have been submitted in detail for consideration.
47. The layout of the proposed development that has been submitted in detail, includes two vehicular access points (north and south) off Neasham Road. The residential properties are predominately two storeys in height apart from four, three storey apartment buildings within the phase to be constructed by the Council. Three of these apartment blocks are in prominent locations on either side of the northern access road with the fourth block integrated further within the layout. The southern access will lead into the phase to be constructed by Esh Homes which consists of two storey dwellings.
48. The majority of the dwellings are within cul-de-sacs off the main internal road network with private drives and means of enclosures to the rear. The dwellings are orientated to look out onto the streets and areas of open space to create good natural surveillance throughout the site.
49. The dwellings to be constructed by Esh Homes are predominately stone built with differing colour finishes whilst the dwellings to be constructed by the Council are a mix of red facing bricks, render and feature brick work.
50. The proposed layout includes a landscaped buffer zone along the southern and eastern boundaries of the site with the A66 and Neasham Road. This mounded area would be landscaped with woodland planting to help screen the site and to provide noise attenuation measures to mitigate noise from road traffic. There is an informal parkland area and a formal play area within the site and the existing

vegetation on the edge of the site would be strengthened by native hedgerow tree planting. The landscaping strategy for the site includes wetlands and ornamental tree planting throughout the development. The open space play areas and landscaped areas would be maintained by a private management company. There will be a series of cycle paths and footpaths through the development and around the open spaces linking the site to the existing footpath and cycle path network.

51. The layout has been designed to be sympathetic to its location on the corner of Neasham Road and the A66 incorporating green landscaped edges and a street frontage along Neasham Road with properties facing onto the street but set well in from the boundary edge to allow for landscaped areas and the retention and strengthening of existing hedgerows. Neasham Road and the A66 do form a natural extended boundary to the existing urban edge of Darlington, when considered alongside the adjacent Northern Echo Arena site and the existing housing developments to the west of the railway line. In general terms the proposed layout is acceptable and would will not have an adverse impact on the visual appearance of the area in accordance with policy CS2 of the Core Strategy 2011.
52. The redevelopment of the site would not result in the loss of land which has any special visual or landscape interest, the design and layout of the proposal is acceptable and will integrate well within the surrounding area which consists of some urban development, such as the Northern Echo Arena and residential developments further west along the A66. The A66 would be a strong new settlement boundary without adversely impacting upon the visual appearance and character of the wider surrounding area. Officers consider that these are material planning considerations which carry significant weight in the determination of this application.

#### **d) Sustainable Transport Matters**

53. Existing bus stops (Arena Inbound & Outbound) are within 400m of the site but the stops are served by Service 20 which runs three journeys on a Monday only. Better served bus stops are available at Brankin Road (Brankin Drive Inbound & Outbound) but only 25-30% of the site is within 400m distance of these stops. Accessibility to bus stops is based on 80% or more of the site being within 400m walking distance of a bus stop and this site would not meet this policy and therefore the Council has reached an agreement with bus operators to fund a bus service to serve the site. The funding, which equates to £400,000, would be met by the developers and secured as part of the Cabinet resolution .
54. The internal bus loop must be completed at the same time or before the completion of the 100<sup>th</sup> house so that a bus can then operate into the site, regardless of where on the site the 100 houses have been constructed, which would be secured by a planning condition
55. The Transport Assessment submitted in support of the planning application concludes that the site benefits from acceptable sustainable transport accessibility with opportunities for sustainable travel being available.

56. There will be a series of cycle paths and footpaths through the development and around the open spaces linking the site to the existing footpath and cycle path network. An acceptable safe route to school through and from the site to Firthmoor Primary (north east of the site) and to Skerne Park Academy (west of the site) via Neasham Road has been demonstrated. However, funding for Improvements to additional safe routes to school north and west of the site via the existing railway underpass would be secured from a sustainable transport planning obligation.
57. Cycle storage would be provided for each of the dwellings within the Council phase of the development and within the dwellings to be built by Esh Homes where they have detached or integral garages.
58. The Travel Plan submitted in support of the planning application which aims to encourage sustainable travel behaviour and minimise traffic associated with the proposed development is supported by both the Highways England and Council officers.
59. As mentioned above, there would be a sustainable transport contribution, which equates to £116,250 paid by the developers. This would contribute towards funding for the additional safe routes to school from the site, the Travel Plan objectives and improvements to existing footpaths to the east of the site.
60. It is considered that alongside securing the funding for extending the existing bus service into the site, the proposed footpath and cycle links and the safe route to schools within the development, and the measures within the Travel Plan, the proposed scheme would constitute a sustainable development and can be accessed via varying modes of transport and not just the motor vehicle, which achieves one of the objectives of saved policy E2 of the Local Plan. Securing such measures to make the site sustainable is a material planning consideration which carries significant weight in the determination of the planning application. The proposed development would accord with policies CS2 and CS19 of the Core Strategy 2011.

**e) Highway safety Matters**

61. A safe and suitable access for vehicles and other road users has been provided to the site by means of two main access points onto Neasham Road. Pedestrian and cycle infrastructure within the site links to the surrounding highway network with remodelled bus stop provision for sustainable travel needs.
62. The internal access roads have been sized to accommodate the expected traffic volumes generated by the development and have been autotrack tested to ensure larger vehicles can be accommodated, including the 6.7m wide initial highway loop into the site which has been sized to accommodate buses to enable users of the site to easily access public transport provision. The detailed phases of the development meet the guidelines for parking provision for each dwelling.

63. A Transport Assessment (TA) has been submitted in support of the planning application which assesses the impact of the development on the local and strategic highway network (SRN). Collision data for the surrounding highway network indicates that there are no underlying road safety issues in the vicinity of the site that would be exacerbated by the proposed development.
64. The traffic impact assessment shows that the proposed development will not have any significant or severe adverse traffic impacts on the surrounding highway network and the Highways Engineer accepts the findings of the assessment.
65. Regarding the comments made by Darlington Football Rugby Club expressing their views that this application should not prejudice events etc that are held at the stadium. This housing development will be subject to a residents parking zone extension which is currently in place when large events take place at the stadium and the Highways Authority will work with the stadium management team as part of the Safety Advisory Group to ensure their events are not compromised by the presence of this housing development.
66. The phase of the development which is in outline will be subject to a further detailed Reserved Matters submission and therefore this has not been reviewed in detail at this stage. However, the layout of this phase will follow the principles of the Tees Valley Design Guide for residential development in order to meet the required standards of highway safety and adoptability criteria.
67. The highway safety aspects of the Construction Management Plans (CMP) that have been submitted for the dwellings to be constructed by Esh Homes and phase 1 of the site to be constructed by the Council is acceptable. A condition would need to be imposed to secure a CMP for the second phase of the Council's scheme and for the phase that is in outline.
68. The Council has worked in conjunction with Highways England to fully understand the potential impact of the development on the strategic road network (SRN) junctions including Neasham Road roundabout, Morton Palms and Blands Corner and to help to inform the extents of any off site highway improvements required to mitigate the impact of the development traffic.
69. It has been concluded that no mitigation measures are required at either the A66 (T) Neasham Road or the Blands Corner Roundabouts. However, offsite highway improvements at the A66 (T) Morton Palms and Little Burdon Roundabout will be required and the financial contribution towards the improvement, which equates to £287,045.70, would be secured via the Planning Obligation Cabinet Resolution. It has been agreed that the contributions will be made on the completion of the 1<sup>st</sup>, 150<sup>th</sup> and 300<sup>th</sup> dwelling. As such there is no reason to object to the proposal on grounds of road safety and it would accord with policy CS2 of the Core Strategy 2011.
70. Highways England have placed a holding objection on the planning application. However, they have confirmed that this objection will be removed once a copy of

the draft legal agreement, containing the offsite highway works contribution and agreed payment triggers Highways England have requested, has been forwarded to them. The recommendation for the application reflects this position and Members will be updated at the Planning Applications Committee, if any progress has occurred on this matter. Highways England have no objections to the planning application being recommended as set out in this Report.

#### **f) Residential Amenity**

71. The proposed development would accord with the proximity distances that would need to be met between the proposed dwellings which are set out within the Council's adopted Supplementary Planning Document – Design for New Development (SPD). The dwellings are orientated to overlook the internal street layout and areas of open space to increase natural surveillance throughout the development. The dwellings that are within the outline phase of the development will also be expected to meet the guidance set out in the SPD
72. The existing dwellings that within the vicinity of the site would not be adversely affected by the proposed development in terms of loss of privacy or outlook due to the separation distances between the site and the properties and the presence of the A66 and railway lines.
73. The application has been supported by a noise report which has considered how nearby noise sources could impact on the development and included an assessment of noise from Neasham Road, the A66, the Saltburn branch line and the east coast main line.
74. The site layout has been designed to follow the guidance on planning and noise with the majority of the amenity areas for homes located behind the buildings in order to acoustically screen them as much as possible from road traffic noise from the A66 and noise from nearby railways. The assessment has measured noise from the surrounding noise sources associated with the transport network including noise from the A66 at the south of the site, Neasham Road to the east, the east coast main line to the west and the Saltburn branch line to the north of the site. Significantly, the model has included the provision of a 4m high earth bund around the southern edge of the development close to the A66. This bund is also shown on the landscaping Masterplans for the site and is an integral feature of ensuring noise levels within the site are within acceptable levels. Precise details of the bund have not been provided, but visually it is expected that the bund and associated landscaping, possibly with an acoustic fence on top, will be very similar to the bund that forms the recently completed development at '*The Lanes*' which was also developed alongside the A66 approximately 450m to the west of the application site.
75. The noise assessment has shown that in addition to the bund and acoustic fencing, in certain areas the windows in the dwellings closest to the noise sources will be required to be upgraded together with the provision of some sort of acoustically attenuated ventilation. As the noise report has broadly demonstrated that the site is suitable for the proposed use it is recommended that should the



application be approved a planning condition is attached to secure the precise details of the window details.

76. The noise assessment has not specifically addressed how noise from concerts or other entertainment events held at the nearby Northern Echo Arena could impact on the proposed dwellings. This was scoped out of the assessment of possible noise sources with the agreement of the Environmental Health team. However, in response to the comment from Darlington Mowden Park RFC, noise from any large scale sporting events or noise from a music concert held at the stadium will undoubtedly be heard within the proposed development. However, these events will still take place on an infrequent basis. There is a limit on the number of concerts which are permitted to take place at the stadium to ensure a suitable acoustic environment is maintained for the existing residents. There are also controls within the licencing regime to ensure noise levels from such events are within acceptable levels. The current application will create new receptors closer to the stadium than exist at present and future noise management plans for events held at the stadium may need to be amended once these new homes are occupied.
77. The Environmental Health Officer has confirmed that he is satisfied the current operations at the stadium will not give rise to any amenity issues at the proposed development. The plans for expansion and an increase in the use and services offered at the stadium in the letter from Mowden Park RFC are noted but there are currently no planning applications which confirm these plans for the stadium, and therefore necessitate further consideration as part of this application. The council does not need to be comfortable that hypothetical future operations of the stadium will not give rise to amenity issues of residents at the proposed scheme. There is considerable scope for the expansion of activities at the stadium without impacting on the amenity of the new residents created as a result of this application and the impact on these residents can still be controlled through the use of the licensing and planning regime.
78. The Environmental Health Officer agrees with the findings of the submitted noise report that the scenario of noisy events taking place at the stadium does not need to be considered further as part of this application.
79. The Construction Management Plan details that have been submitted for the Esh phase of the development and Phase 1 of the Council's development are acceptable in amenity terms but planning conditions will need to be imposed to secure appropriate CMPs for phase 2 of the Council's scheme and the phase that is currently in outline.
80. The proposed development would be acceptable in amenity terms and accords with policy CS16 of the Core Strategy 2011.

#### **g) School Places**

81. There is currently sufficient school capacity at The Rydal Academy, Firthmoor Primary and St Aidan's (Secondary) Academy to meet expected demand from this proposed site and as a result, this scheme would not need to make a financial

contribution for a new school or to extend an existing school to mitigate the increase in the need for school places. The proposed safe route to school route through the development via Neasham Road is acceptable and as stated above (para 55), funding would be secured via the Planning Obligation Cabinet Resolution to contribute towards additional routes to the north and west of the site.

#### **h) Flood Risk and Drainage**

82. The EA flood maps show that the proposed development sits within Flood Zone 1, which has a low probability of flooding and therefore, in flood risk terms, the principle of residential development in this location accords with the National Planning Policy Framework 2012 and policy CS16 of the Core Strategy 2011.
83. There is an existing culverted watercourse running through the site which currently receives overland flow from the site and surface water runoff from the proposed development will be discharged to this watercourse, at restricted rates to mimic greenfield runoff.
84. A Flood Risk Assessment submitted in support of the application confirms that as surface water will be directed to the existing watercourse, the public sewer network will not be used. Also, foul flows from the development will be directed into the existing combined public sewer which crosses the site in accordance with the requirements of Northumbrian Water Ltd. Suds features will be incorporated into the drainage scheme to provide attenuation and improve water quality. The SuDs will be maintained by a private management company. Two wildlife ponds are proposed on the scheme solely for ecological enhancement and do not form part of the surface water drainage regime.
85. The planning application has been supported by detailed drainage and management plans for the site which have been assessed by the Lead Local Flood Authority (LLFA). The LLFA has advised that sufficient information has been provided to show that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, a detailed design for the management of surface water runoff from the proposed development needs to be agreed and this information can be secured by condition.
86. The Environment Agency and Northumbrian Water have raised no objections to the proposed development subject to the imposition of appropriate planning conditions.
87. The proposed development does not raise any drainage or flood risk concerns and would comply with the NPPF and the local development plan.

#### **i) Archaeology**

88. Geophysical surveys (March 2019) were carried out to assess the nature and extent of any sub-surface features of potential archaeological significance within the site, so that an informed decision may be made regarding the nature and scope of any further scheme of archaeological works that may be required in relation to the development. Former ridge and furrow cultivation were recorded,

which survives as upstanding earthworks and land drains and services were also detected.

89. An archaeological evaluation (May 2019) has been conducted which comprised the excavation and recording of 50 trial trenches on the site. The archaeological evaluation report recommended a programme of archaeological works to mitigate the impact of the development on a surviving archaeological resource in the vicinity of trenches 5, 8, 18 and 20. No further scheme of archaeological works is recommended in relation to the development of the remainder of the site.
90. An archaeological excavation (April 2020) has conducted comprising the excavation and recording of five areas of the site. Archaeological deposits comprising pits and gullies cut into the natural subsoil were identified across the site. In Area 1 these comprised two pits and a short gully in addition to the pit and gully recorded in the previous evaluation. More small shallow pits were identified in areas 2 and 5, but no further archaeological deposits were found in Area 4. In Area 3, 4 pits and 8 gullies were recorded in addition to the pit found during the archaeological evaluation; all the gullies were aligned northwest/south-east and may reflect boundaries, stock enclosures or a droveway. These features are likely to be later prehistoric in date
91. Furrows, the remains of medieval or post-medieval ploughing, were recorded in all of the trenches, cut into the natural subsoil on various alignments. These reflect different ploughing regimes across the site and are of limited archaeological significance. A small artefactual assemblage was recovered, mainly comprising flint, fired clay and hammerscale. The artefacts are indicative of domestic and/or industrial activity in the vicinity, possibly of later prehistoric date
92. The palaeoenvironmental evidence comprised coal and clinker/cinder, charcoal and charred plant remains, indicative of settlement in the vicinity. Evidence of cultivated crops was also present. Though the assemblages were small and produced few diagnostic remains, they are generally consistent with a later prehistoric or Roman period date. As a significant archaeological resource was uncovered by the excavation, full analysis of the data is recommended by the archaeology consultants.
93. The Durham County Council Archaeology Team agree with the findings of the archaeology reports that have been submitted with the application and have requested the imposition of planning conditions which request the submission of a written scheme of investigation setting out a programme of archaeological work and that the development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The imposition of the conditions will ensure that the development complies with policy CS14 of the Core Strategy and the NPPF 2019

## **j) Ecology**

94. The planning application has been supported by a variety of reports which consider the impact of the development upon certain species. The risk of impacts on badger, otter, reptiles, water vole and schedule 1 birds and is low to negligible, with no evidence for the presence of these species being found on site. No further works or mitigation is required in relation to these species.

*Breeding birds.*

95. Impacts on breeding birds include the loss of suitable breeding habitats, this will be compensated for through the provision of alternative habitats at both the off-site compensation sites and the development site itself, the creation and enhancement of hedgerows, scrub and woodland will provide habitat for passerines. Low numbers of Lapwing will be displaced from the site, but the surrounding landscape provides opportunities for this species and no significant impacts on local populations are expected. All works to breeding bird habitat should be completed outside of the bird breeding season to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing, which can be secured by a planning condition.

*Bats.*

96. No bat roosts were found in the existing buildings or trees. Tree roosts can be transitory and despite two sets of survey work being completed if the works to trees has not been completed in 12 months from determination of the application then the trees should be re-examined for bat roosts. This can be an Informative rather than a planning condition

*Great Crested Newts.*

97. Great crested newt breeding ponds are absent from the site and there is a very low risk of individuals using the on-site terrestrial habitats therefore no significant impacts are expected. To mitigate for the residual risk of great crested newt is observed within the disturbed/working area a method statement is required and should be conditioned as part of any planning permission

*Lighting*

98. Appropriate street lighting has been secured which will consider bat activity in the lighting design. This ensures that steps have been taken to reduce negative impacts from lighting. The safe routes to school which run through biodiversity routes are mainly made up of footpaths and cycleways which are separated from the carriageways/footways. These routes have intentionally been designed to be illuminated to one lighting class lower than the carriageway lighting. The lighting scheme specifies that all but a select few lanterns are to be mounted on the horizontal plane to minimise any upward light spill. All lanterns specified utilise an LED light source which has no UV output and have excellent directional capabilities with a sharp cut off. The scheme has been designed to only illuminate the required areas leaving POS with no footpaths etc unlit. The lanterns used on the carriageways also incorporate a multi-level pre-set dimming feature to reduce the lux output during the late evening and night-time hours.

### *Biodiversity Net Gain*

99. The requirement for developments to deliver biodiversity net gain is already part of the National Planning Policy Framework (2019) but the NPPF does not specify a number/percentage for the gain. The UK Government Environment Bill 2020, published in October 2019 and given its first reading on the 30th January 2020 proposes the introduction of a mandatory requirement for the delivery of 10% biodiversity net gain through the planning system with certain exemptions, protection for 'irreplaceable habitats', and further guidance on how net gain will be administered. Land identified for use for biodiversity net gain purposes will be required to be maintained for a period of at least 30 years and ideally longer.
100. Biodiversity net gain needs to be delivered in accordance with the biodiversity mitigation hierarchy; where losses cannot be avoided for or reduced onsite, then the principles do allow for off-site compensation provided this follows the net gain principles with sites located close to the proposed development site prioritised above those which are more distant.
101. The proposed layout retains ecological features, minimises impacts on biodiversity and maximises the delivery within the red line boundary as per the biodiversity mitigation hierarchy. The amount of wetland habitats has been increased with improvements to the landscape scheme which now shows greater wetland habitat delivery both in terms of running and standing water habitats. The neutral grassland to the north of the site has now been identified for enhancement and the site provides ecological connectivity, notably based around deculverting a watercourse.
102. However, some off-site mitigation is still required as the on-site actions in themselves do not meet the NPPF requirement for net gain. Biodiversity offsetting is regarded as an appropriate mechanism to deliver the NPPF principles of sustainable development. The Government's '*A Green Future: Our 25 Plan to Improve the Environment*' (2018) references biodiversity offsetting by stating that "developers can invest in habitat creation projects as a cost-effective way of fulfilling their obligations to compensate for habitat loss under the NPPF".
103. Two land holdings as available for off-site biodiversity mitigation, and these are:
- *Ivy Cottage Site (Total 2.14ha)* – a residential property with associated pasture and woodland located adjacent to the Neasham Road site.
  - *Staindrop Road Site (Total 6.75ha)* – farmland located northwest of Darlington and currently used for cattle grazing.
104. Both sites are owned by Darlington Borough Council and their potential for biodiversity mitigation has been investigated. Habitats to be created at these locations include species rich grasslands, woodland and scrub and ponds and will support a range of wildlife including breeding birds, invertebrates and amphibians which will ensure that the proposed development meets the 10% biodiversity net gain and the delivery and long-term management of both the on-site biodiversity habitats and off-site habitats would be secured via the Planning Obligation Cabinet Resolution.

105. The Council's Ecological Consultant has advised that with the agreed mitigation and compensation measures, no significant harm to biodiversity results from development and the development meets the NPPF requirements for biodiversity net gains. The proposal would also accord with policy CS5 of the Core Strategy 2011.

**k) Impact on Trees**

106. The site is not within a Conservation area and there are no Tree Preservation Orders imposed on any trees within the site. The tree stock is generally very poor, the hedges internal to the site have not been managed. Ash is the dominant canopy species but is generally in poor condition and is likely to be suffering from, or likely to be soon infected by, Ash Dieback.

107. A total of 64 individual trees, 11 hedges and 23 groups of trees have been inspected within the existing site. Twenty-five individual trees, 3 groups of trees, and 4 hedges would need to be removed to facilitate the development. Three tree groupings and 6 further hedges would also be part removed to facilitate the development. The majority of the individual trees and trees within groups and hedges to be removed are classified as being low quality (Category C trees) or unsuitable for retention (Category U trees) with 6 trees and 3 tree groups of moderate quality (Category B trees). There are no high quality trees (Category A) within the site.

108. It has also been recommended that a further 15 trees and a tree group are removed due to structural defects and a limited safe useful life expectancy regardless of the proposed development. These are categorised as C and U trees.

109. The trees and hedges to be retained on the site would be incorporated into the design and layout of the scheme and fencing would be put in place to protect the trees and hedges during the construction phase.

110. The proposed landscaping scheme to mitigate the tree and hedge removal is extensive throughout the development and includes native woodland planting along the northern boundary to augment the Geneva Wood Local Nature Reserve; the planting of native hedges and hedgerow trees; the planting of trees around the edge of the site, through the areas of open space, SuDs areas, the play area and internal road network, along with ornamental trees within the street layout.

111. The new tree and hedge planting are part of a wider landscaping scheme which includes SuDs areas, wetland areas, shrubs, meadow grassland areas. The existing trees and hedges to be removed are not high quality specimens and the extensive landscaping proposals for the development will compensate for the losses and increase the number of trees that are currently on site. The proposal would accord with saved policies E12 and E14 of the Local Plan and CS2 of the Core Strategy 2011.

### **l) Public Rights of Way**

112. There are various Public Footpaths (Hu14, Hu17 and Da43) that cross the development site and link to the wider rights of way network. There will be an impact on the PROWs, and their users, in that the current surrounding agricultural uses will be replaced by a suburban residential development. In addition, the footpaths will be subject to diversions and will be incorporated into new footpath/cycle routes.
113. The layout of the housing development has been designed to include the public footpaths as integral to the layout design, and as part of a wider permeable network of proposed footpaths and cycleways. Also, the proposed diversions are very minor in that they basically follow adjacent to the existing routes apart from a couple of short sections. Whilst the views from the footpaths and the experience of users will undoubtedly change as a result of the proposed development, the footpaths have been accommodated within green corridors through the site which will minimise any impacts upon them.
114. The PROW network should remain safe and accessible throughout the construction process which can be secured via a planning condition. If it is not practicable to keep the footpaths open during construction, for example because they are unsafe, a Temporary Traffic Regulation Order will be required, and an alternative route identified. An Informative has been listed to advise the developers accordingly. It is proposed to create a new Public Footpath link to the north west of the site and increase permeability and access to the wider network.
115. The proposed footpath diversions are the subject of a separate Diversion Order Application made under s257 of the Town & Country Planning Act (1990). The Diversion Order cannot be confirmed until the planning application has been approved and cannot be implemented until the Order has been confirmed. On this basis, the Council's Public Rights of Way Officer has no objections to the application. The proposal would accord with policies CS2 and CS17 of the Core Strategy 2011.

### **m) Contaminated Land**

116. A search of the historical maps of the area has shown that the majority of the site has remained in agricultural usage since the earliest OS maps were published in the 1850s. An expanding range of buildings are shown around Newstead Farm which develops over time. A pond area is shown in the centre of the field to the north east of the site on the 1956 map. This pond is surrounded by a marshy area. By the mid-1970s both the pond and the marsh are no longer shown on the maps suggesting that they have been infilled and/or drained in order to expand the size of the usable agricultural land within this field.
117. The site investigations have identified that areas located where the former pond was are particularly problematic for the development because of ground gas issues. Ground gas investigations in this area have comprised twelve visits over a six month period. An interpretation of the intrusive ground investigations in this area has shown that there are two potential sources of ground gas in this location. These areas are the made ground used as infill within the former pond

and the underlying peat deposits, which presumably formed the bottom of the pond itself, and was comprised of decomposing organic matter.

118. The site layout has been designed so that no buildings are being proposed directly above the former pond area. In addition, organic odours were being reported from boreholes in this area, hydrocarbon odours were also reported in this area and an old drum containing used oil was located.
119. The results of the gas monitoring within the footprint of the former pond showed elevated levels of methane and CO<sub>2</sub>. Moving outwards from the former pond area, the data supports the hypothesis that ground gas levels are decreasing moving further away from the source (the infilled pond) and there is limited evidence for lateral migration of ground gas across the site.
120. A Remediation Method Statement outlines the mitigation measures necessary to develop the site safely and the Council's Environmental Health Officer has advised that he is broadly in agreement with the proposed measures. Taking account of all the information submitted in support of the application relating to contaminated land at the proposed site Environmental Health are confident that it can be developed safely subject to the imposition of appropriate planning conditions.

#### **n) Air Quality**

121. The application has been supported by an Air Quality Assessment report. The report has assessed the impact on air quality both during the operation and construction phases of the development. The report has concluded that during the operational phase of the development the impact on local air quality will be negligible. This is largely because the prevailing air quality in the local area has been shown to be consistently 'good'. Environmental Health has advised that this is not an unexpected conclusion and is one which they agree with. During the construction phase of the development the report has concluded that there is potential for dust soiling effects associated with fugitive emissions from the site. These measures would be addressed through the submitted Construction Management Plans for the site.

#### **o) Impact on Surrounding Rail Network**

122. Network Rail have raised no objections to the proposed development. They have requested that every endeavour is made by the developer to provide adequate soundproofing for each dwelling in order to protect the occupants from rail noise. This would be secured as part of an appropriately worded planning condition.
123. Network Rail has also advised that a method statement may need to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This would include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. It is considered that this forms part of the Informative that Network Rail has requested to be added to any grant of approval.

#### **p) Planning Obligations**



124. The application triggers a requirement for developer contributions in line with the requirements of the Planning Obligations SPD.

125. 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

126. The process for securing the obligations set out below is highlighted in paragraph 7 of this Report

127. In this instance, the following planning obligations have been agreed with the developers:

- **Extension to Bus Service - £400,000.** A financial contribution to extend an existing bus service into the development
- **Sustainable Transport - £116,250.** This would be a financial contribution towards achieving Travel Plan objectives; improvements to a suggested Safe Route to School (SRTS) link west of the site via the underpass; improvements to a SRTS alternative link north of the site via the underpass; improvements to a walking/cycling link east of the site adjacent to the alignment of the A66 providing more direct access to employment zones such as Ingenium park, Yarm road corridor
- **Sport & Recreation - £14,486 with a one off 10 Year maintenance sum of £30,906.** This would be a financial contribution to support grass roots Rugby Football Union development at Mowden Park Rugby Club and Darlington Rugby Club with the aim to increase participation and widen access. Supporting both of the club development plans.
- **Offsite highway improvements - £287,045.70** This would be a financial contribution towards improvements at the A66 (T) Morton Palms and Little Burdon Roundabout.
- **On site and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road**
- **Open Space Management Plan** to secure a private management company to maintain the open space, landscaping, play areas etc

## THE PUBLIC SECTOR EQUALITY DUTY

128. 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 proposed development includes extensive footpath and cycle links to the existing networks and a bus service into the site would be secured to enable any person without a motor vehicle to be able to reach local schools, shops and the town centre. The new dwellings would comply with the Disability Discrimination

Act 2005 and Building Regulations and the footpaths would include drop kerbs in appropriate locations.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

129. 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**

130. The Council can demonstrate a five years supply of deliverable housing sites and therefore the local development plan policies which relate to housing supply carry significant weight in the consideration and determination of this planning application. The site lies outside of the development limits defined by the Borough of Darlington Local Plan and therefore the proposal would be contrary to saved policies E2 and H7 of the Local Plan 1997 and CS1 of the Core Strategy 2011.

131. However, 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. In this instance, it has been shown there are material planning considerations which carry significant weight, and which would support the approval of this departure from the local development plan.

132. The overall development includes 294 affordable homes, which is approximately 65% of the scheme. This percentage of units greatly exceeds the current development plan policy requirement of 20% of units within a development. The scheme would make a significant contribution towards the provision of affordable housing within the Borough especially as evidence has shown there is an under provision in the number of units that are currently being built (both Council schemes and within private schemes) and a high number of people on the Council's waiting list for accommodation.

133. The existing site has no landscape and visual value, and being located adjacent to the A66 corridor and the Northern Echo Arena, the site is capable of being redeveloped for residential purposes in a way that is both sympathetic to its semi rural surroundings and countryside policy designation but also to the existing built environment which already extends to the south of the urban area and outside the limits of development, with the A66 being an appropriate new settlement boundary. This is reflected by the fact that the site is a housing allocation within the emerging local plan, which has been approved by the Council for submission to Government for examination

134. Finally, measures have been secured to extend the existing bus service into the site, which along with the pedestrian and cycle connectivity routes within and outside of the site to make the site sustainable and accessible by means other

than the motor vehicle. This would accord with national and local development plan policy.

135. Officers are of the opinion, that the redevelopment of this existing site of limited value coupled together with the amount of affordable housing which far exceeds the adopted planning policy requirement and the sustainability measures included with the scheme, carry significant weight in the determination of the planning application and these considerations would outweigh the local development plan policy position. It is on this basis, the officers can support the principle of the proposed development and the determination of the planning application prior to the adoption of the emerging local plan.

136. The scheme includes excellent footpath and cycle path links to the existing networks, utilizing existing Public Footpaths, which together with the funding being secured to extend a bus service, makes the site a sustainable form of development. The scheme itself is well designed to reflect its surroundings with areas of landscaping, open space, play areas and ecological enhancements. Two areas within the Borough, owned by the Council have been identified that can incorporate ecological enhancements in accordance with national and local development plan policy. There are no residential amenity or highway safety concerns over the proposed development and appropriate mitigation measures would be secured via planning obligations.

**PLANNING PERMISSION BE GRANTED SUBJECT TO A DARLINGTON BOROUGH COUNCIL CABINET RESOLUTION REGARDING PLANNING OBLIGATIONS TO SECURE THE FOLLOWING (THIS IS TO BE COMPLETED WITHIN SIX MONTHS):**

- a) Extension to Bus Service - £400,000
- b) Sustainable Transport - £116,250
- c) Sport & Recreation - £14,486 with a 10 Year maintenance sum of £30,906
- d) Offsite highway improvements - £287,045.70
- e) On site ecology works and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road
- f) Open Space Management Plan

**THE REMOVAL OF THE HOLDING OBJECTION FROM HIGHWAYS ENGLAND AND THE FOLLOWING CONDITIONS**

**Detailed Phase**

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  
REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- QD1492-311-01 Proposed Hybrid Masterplan Overall Layout - Rev K

- QD1492-311-02 Proposed Hybrid Masterplan Overall Sheet 1- Rev F
- QD1492-311-03 Proposed Hybrid Masterplan Overall Sheet 2- Rev G
- QD1492-330-01 Materials Layout Sheet 1 – Rev F
- QD1492-330-02 Materials Layout Sheet 2- Rev F
- QD1492-332-01 Enclosures Layout Sheet 1- Rev E
- QD1492-332-02 Enclosures Layout Sheet 2- Rev E
- QD1492-355-01 Proposed Hybrid Masterplan Public Rights of Way- Rev I
- QD1492-356-01 Safe Routes to Schools Plan - Rev D
- QD1492-393-01 Open Space Plan- Rev D
- QD1492-A100-01 A100 Planning Drawing
- QD1492-A101-01 A101 Planning Drawing
- QD1492-A102-01 A102 Planning Drawing
- QD1492-A103-01 A103 Planning Drawing
- QD1492-A104-01 A104 Planning Drawing
- QD1492-A105-01 A105 Planning Drawing
- QD1492-AR2-01 The Arundel 2 Planning Drawing
- QD1492-DH-01 The Durham Planning Drawing
- QD1492-ELY-01 The Ely Planning Drawing
- QD1492-LA-01 The Lancaster Planning Drawing
- QD1492-LD2-01 The Litchfield 2 Planning Drawing
- QD1492-LN-01 The Lincoln Planning Drawing
- QD1492-LR-01 The Larch Planning Drawing
- QD1492-NO-01 The Norwich Planning Drawing
- QD1492-RI-01 The Ripon Planning Drawing
- QD1492-RO2-01 The Rochester 2 Planning Drawing
- QD1492-SK-01 The Southwark Planning Drawing
- QD1492-SW-01 The Shrewsbury Planning Drawing
- QD1492-WN-01 The Winchester Planning Drawing
- QD1492-WS-01 The Westminster Planning Drawing
- QD1492-YO-01 The York Planning Drawing
- QD1492-GR-01 Garages Planning Drawing
- QD1492-00-01 General Arrangement - Rev E
- QD1492-03-01 Overall Drainage Layout - Rev D
- QD1492-03-02 Engineering Layout Sheet 1- Rev C
- QD1492-03-03 Engineering Layout Sheet 2- Rev C
- QD1492-03-04 Offsite Drainage Schematic- Rev B
- QD1492-03-05 Land Drainage Schematic Plan Rev B
- QD1492-04-08 Phase A SuDS General Arrangement – Rev C
- QD1492-04-09 Phase B SuDS General Arrangement - Rev C
- QD1492-04-10 Watercourse De-culverting Works - Rev C
- QD1492-04-12 Swale Through Northern POS - Rev A
- D210.L.002 Landscape Masterplan- Rev F
- D210.L.003 Housing Area A 1 of 3- Rev C

- D210.L.004            Housing Area A 2 of 3- Rev C
- D210.L.005            Housing Area A 3 of 3- Rev D
- D210.L.006            Housing Area B 500- Rev D
- D210.L.007            Play Area Layout
- D210.L.008            Northern Area Landscape Layout

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

3. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;
  - a) Detailed design of the surface water management system; (for each phase of the development).
  - b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
  - c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
  - d) Details of adoption responsibilities.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2019

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

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

5. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of

archaeological work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

6. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.  
REASON: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.
7. Prior to the commencement of the development, a Road Safety Audit shall be carried out for all the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.  
REASON – In the interests of highway safety
8. Prior to the commencement of Phase 2 of the development to be carried by Darlington Borough Council, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
  - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
  - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
  - c) Construction Traffic Routes, including parking areas for staff and visitors.
  - d) Details of wheel washing.
  - e) Road Maintenance.
  - f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area

9. For each phase of development, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
- a) Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.
  - b) The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
  - c) A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

10. Prior to any building works commencing in 'Area H' as shown in drawing 3587OD15Rev.2 in FWS Report 3587OR04Rev03/June 2020 or at a time agreed in writing by the Local Planning Authority an addendum to the 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 for 'Area H'. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.
- REASON – Area H of the site may be contaminated as a result of past or current uses and it has not been possible to investigate this area and draw up a suitable remediation strategy as part of the site investigations to date. Suitable

remediation in this area is needed to ensure that risks from land contamination to the future uses of the land and neighbouring area are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2019

11. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.  
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
12. 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
13. For each phase of the development 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 the 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.
14. The highway and footpath infrastructure with associated bus stops within the site to facilitate the extension to the bus service shall be fully implemented to



adoptable standard and available for use prior to the completion of the 100<sup>th</sup> dwelling unless otherwise agreed in writing by the local planning authority  
REASON: To ensure that a bus service can be operational within the development

15. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:
- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
  - c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
  - d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
  - e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

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

16. The phase of the development to be carried out by Esh Homes and Phase 1 of the development to be carried by Darlington Borough Council shall not be carried out otherwise than in complete accordance with Construction Management Plan documents received 2 June 2020 unless otherwise agreed in writing by the local planning authority  
REASON – In the interests of highway safety and the general amenity of the area
17. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.  
REASON: In the interests of the general amenity of the area
18. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed

during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

19. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document “Great Crested Survey Report” (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

20. The public lighting scheme shall be carried out otherwise in complete accordance with the details contained within the email from the Darlington Borough Council Street Lighting Engineer dated 29 April 2020 unless otherwise agreed in writing by the local planning authority

REASON: To safeguard habitats and protected species within the development site.

21. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure that the footpaths remain safe and accessible to members of the public

22. The development hereby approved, shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

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

23. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7 ) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

REASON – To encourage and promote the use of sustainable modes of transport

### **Outline Application**

24. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -

- a) access
- b) appearance
- c) landscaping
- d) layout
- e) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

25. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

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

26. The planning application made pursuant to condition 24 shall not propose more than 144 dwellings.

REASON: For the avoidance of doubt

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

- a) Detailed design of the surface water management system; (for each phase of the development).
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
- d) Details of adoption responsibilities

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

28. The building hereby approved shall not be brought into use until:-

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local

Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

29. Prior to the commencement of the development, a Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON – In the interests of highway safety

30. Prior to the commencement of the development, precise details of the internal highways layout; site access junction; cycle parking provision and parking provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

31. Prior to the commencement of the development, a vehicle swept path analysis shall be undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

32. Prior to the commencement of the of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area

33. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

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

34. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:

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

Unless otherwise agreed by the Local Planning Authority

REASON - To comply with Council Housing Policy.

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

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

36. 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
37. For the development, or each phase, 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 the 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.
38. For the development, or each phase, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
- a. Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be

provided to the proposed residential properties to achieve internal and external noise levels as specified above.

- b. The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
- c. A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

39. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

40. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document "Great Crested Survey Report" (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

41. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure that the footpaths remain safe and accessible to members of the public

42. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7 ) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

REASON – To encourage and promote the use of sustainable modes of transport

43. The development hereby approved shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

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

**SHOULD THE PLANNING OBLIGATIONS NOT BE SECURED WITHIN THE PRESCRIBED SIX MONTH PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION WOULD BE CONSIDERED TO BE A REFUSAL. THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:**

1. The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 and Supplementary Guidance Note on Planning Obligations as adequate provision has not been made for offsite highway improvements, sustainable transport improvements, sport and recreation mitigation measures and ecological enhancements

**INFORMATIVES**

**Bat Surveys**

The applicant is advised if the works to trees has not been completed in 12 months from determination of the application then the trees should be re-examined for bat roosts.

**Highways**

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

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

An appropriate street lighting scheme and design to cover the new internal highways and any proposed amendments to the existing lighting must be agreed with the local authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. M Clarkson 01325 406652) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director : Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the introduction of Traffic regulation Orders in connection to a 20mph zone and reduced speed limit on Neasham Road and the implementation of an extended resident parking zone (RPZ).



## **Public Rights of Way**

The applicant is advised that if it is not practicable to keep the Public Footpaths open, safe and accessible during the construction phases of the development, a Temporary Traffic Regulation Order will be required, and an alternative route identified. Contact would need to be made with the Council's Public Rights of Way Officer to discuss this matter.

## **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 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### ***Excavations/Earthworks***

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 Network Rail. 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 affect the railway, consultation with the Asset Protection Project Manager 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 Rail's 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 Project Manager.

### ***Method Statements/Fail Safe/Possessions***

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### ***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 Project Manager is necessary to understand if there is a problem, particularly if during construction large vehicles are to be routed via the railway bridge on Neasham Road which has a limited clearance of 3.8m. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### ***Noise/Soundproofing***

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. Please note that the site is adjacent to two railway lines, including the East Coast Main Line to the west of the site.

### ***Access to 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. The access road to the north of the site must remain clear and unobstructed at all times. There is a railway access point along the northern boundary of the site, access to which is required on a 24/7 basis for inspection, maintenance and emergency purposes. Network Rail is required to recover all reasonable costs associated with facilitating these works.