

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 December 2018

APPLICATION REF. NO: 18/00810/FUL

STATUTORY DECISION DATE: 27 September 2018

WARD/PARISH: SADBERGE AND MIDDLETON ST
GEORGE

LOCATION: Durham Tees Valley Airport

DESCRIPTION: Construction of 1.8km link road between Northside and Southside, erection of 2.8m high security fencing, and associated infrastructure; and improvements and alterations to the existing highway (resubmission of previously approved scheme) (additional drainage information received 27 September 2018)

APPLICANT: MS ANNA BENSKY

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the construction of a 1.8km link road between Northside and Southside at Durham Tees Valley Airport, the erection of a 2.8 metre high security fence along the length of the link road and associated infrastructure. Approximately 250 metres of the proposed link road is located within the Darlington Borough Council boundary (DBC) with the remainder of the road located with the Stockton Borough Council (SBC) boundary. It is also proposed to make improvements and alterations to the existing highway (within DBC boundary only) and for the change of use of agricultural land to ancillary operational airport land and for the reconfiguration of Plot 1 on the Southside Business Park to create an employment unit. Both of these elements are within the SBC boundary.

Planning permission was granted in November 2015 (Darlington Borough Council reference 15/00677/FUL and Stockton Borough Council 15/01625/FUL) for the proposed development which was extant at the time this application was submitted but has recently expired. The proposal remains unchanged from the 2015 permission and the agent has advised that the applicant intends to renew the permission by resubmitting the original plans and supporting reports, updated where appropriate, for consideration. A planning application was also submitted to Stockton Borough Council (18/02023/FUL) concurrently with this application and was determined under delegated powers on 1 November 2018.

The application site straddles the administrative boundary of both Darlington Borough Council (DBC) and Stockton Borough Council (SBC). The majority of the site lies within the SBC boundary including the site of the proposed employment unit and most of the link road. In accordance with the Planning Practice Guidance (PPG), identical planning applications have been submitted to each local authority. Consideration of this application will be limited to those elements which fall within the administrative boundary of Darlington Borough Council.

The application site (straddling both administrative boundaries) extends to approximately 12.5 ha in area and comprises three areas:

- The internal Airport access road and part of the adopted public highway. The site includes the entire width of the highway; and where widening is necessary, adjacent land is also included. This land is within the administrative boundary of DBC;
- An area of land at the end of the eastern end of the runway. This land comprises operational and agricultural land. The majority of this land is within the administrative boundary of SBC;
- An area of land to the south of the runway. This land comprises operational airfield equipment and the Southside development site. The land is entirely within the administrative boundary of SBC.

The new link road will be constructed around the eastern end of the runway to connect Northside and Southside. It will be finished to adoptable standards and will be suitable for cyclists. A new pedestrian access will also be provided alongside the new link road. The new link road will be bound by a 2.8m high security fence on the inner boundary to prevent access to the operational airport. The outer boundary will be demarked by stock proof fencing. No street lighting is proposed, except that which already has consent within the Southside Business Park. The new link road will begin on Northside. A new access will be provided into the Teesside Airport Railway station and the existing access road will be removed. The road will then extend to the south of the existing railway line and to the north of Taxiway B (maintaining the regulatory offset). This section of road has been carefully designed to ensure that a safe distance is maintained with the adjacent taxiway, but leaving sufficient land to construct the proposed railway siding (which is included within the Master Plan). This section will also include a surface water pumping station (with a parking space). This section of the road includes proposed works within both Stockton and Darlington Councils' administrative areas.

The new link road will then curve around the eastern end of the runway – alongside the boundary with the adjacent agricultural land. The road has been offset from the end of the runway to ensure the airfield safeguarding surfaces are not compromised and to ensure navigational aids are maintained. In any event, the road will be maintained as a clear way and will include two sets of traffic lights. Once the new road leaves the curved section it will access the Southside site and will intercept with the route of consented internal access road of the consented Southside Business Park.

The proposed development will relocate the fence line of the operational airport to the edge of the new highway which will be constructed in part across agricultural land which is not currently used as part of the Airport. This land will also include the compensatory habitat mitigation which will offset the loss of any species rich grassland. For completeness, the planning application also seeks consent for the change of use of this land to operational airport (sui generis).

The proposed link road and associated infrastructure is required to serve an extant planning permission for the development of Southside (within the SBC boundary). The application seeks permission for a first phase of building and would allow delivery of the remaining phases in accordance with the extant permission. The main difference between what is now proposed and what has planning permission is the route of the access. This application seeks permission for an alternative access around the eastern end of the runway. The majority of the route is within the current operational boundary of the Airport. A small part of it is currently in use as agricultural land.

The following information has been submitted with the application:

- Design and Access Statement
- Ecological Assessment (updated 2018)
- Flood Risk Assessment (updated 2018)
- Noise Assessment (updated 2018)
- Transport Assessment (updated 2018)
- Travel Plan
- Heritage Statement (updated 2018)
- Air Quality Assessment (updated 2018)
- Airport Safeguarding Report

A request was made on 8 August 2018 pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the local planning authority's screening opinion on the matter of whether or not the development proposed is 'EIA' development within the meaning of the 2017 Regulations. This process has been undertaken and having taken into account the relevant criteria, the Local Planning Authority has determined once more that the proposal does not constitute EIA development.

The area surrounding the application site comprises the core facilities of the operational Airport, such as the passenger terminal, car parking, hangars, the aprons and the runway. In addition there are various buildings occupied by a mix of mainly employment uses including aviation related businesses and general employment uses. Alongside these is the International Fire Training Centre (IFTC) operated by SERCO and the Middleton St George Hospital which both occupy former RAF buildings. The wider area includes residential development to the north-west. The rest of the Airport is surrounded by open countryside, consisting of agricultural land and woodland. This land is subject to an extant planning consent for a new access road which would have provided access between the Southside development site and the A67.

PLANNING HISTORY

The application site has a length planning history, the most relevant of which is set out below:

04/01427/FULE – Extension and refurbishment of terminal building, development of cargo and maintenance building (Class B2 and B8), new and expanded airside apron including lighting, extension and reconfiguration of passenger and staff car parks and car hire facilities including lighting, access roads and fencing, construction of aircraft stands, airside hard standing and parallel taxiway including lighting, extension and reconfiguration of airport access road, pick up and set down areas including lighting, new bus stop and taxi stands, construction of new sewage treatment plant and associated pipework (part outline, part full application)

accompanied by Environmental Assessment. GRANTED SUBJECT TO S106 AGREEMENT 2 JANUARY 2008

04/01428/OUTE – Development of site to provide a business park comprising up to 18,600m² (Use Class B1), 4,200m² 100 bed hotel (Use Class C1) and 560m² public house/restaurant (Use Class A3) associated car parking and structural landscaping (outline application accompanied by Environmental Assessment). GRANTED 21 FEBRUARY 2007

08/00703/FUL – B1 office development comprising 11 no. units, car parking, access and associated landscaping. GRANTED SUBJECT TO S106 AGREEMENT 2 DECEMBER 2008

11/00787/FUL – Extension of time for implementation of planning permission 08/00703/FUL dated 2 December 2008 for B1 office development comprising 11 no. units, car parking, access and associated landscaping. WITHDRAWN 16 APRIL 2013

15/0677/FUL - Construction of 1.8km link road between Northside and Southside, erection of 2.8m high security fencing and associated infrastructure, and improvements and alterations to the existing highway (additional ecological information received 18 September 2015) GRANTED 4 NOVEMBER 2015

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Borough of Darlington Local Plan 1997

Saved Policy EP9 (Teesside Airport Employment Land – North)

Saved Policy EP10 (Teesside Airport Employment Land – South)

Saved Policy T49 (Teesside Airport)

Darlington Core Strategy Development Plan Document 2011

Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy)

Policy CS2 (Achieving High Quality, Sustainable Design)

Policy CS5 (The Provision of Land for Employment Purposes)

Policy CS14 (Promoting Local Character and Distinctiveness)

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)

Policy CS16 (Protecting Environmental Resources, Human Health and Safety)

Policy CS17 (Delivering a Multifunctional Green Infrastructure Network)

National Planning Policy Framework, 2018

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – Given the previous planning history of the site and the previously approved scheme do not foresee any fundamental issues with this application. The previous comments are still appropriate for this development. Additional minor works are required in the highway network and can be done subject to a S278 Agreement.

Environmental Health Officer – Given that only a very small proportion of the application is within the DBC boundary, no comments to make.

Transport Policy Officer – Recommend a minimum 3m shared use path to side of link road to enable employees/visitors to cycle safely to the development site. The route should be lit and connect to existing provision. Pleased to see cycle parking will be provided in the commercial development site. Future funding for bus subsidy would need to be secured through commercial development on the Southside by Stockton Council.

Ecology Officer – The original condition for habitat mitigation is still acceptable as it is.

Durham County Archaeology – No objection to the proposal within Darlington.

Environment Agency – No objection.

Lead Local Flood Authority – Recommend conditional approval.

Middleton St George Parish Council – Object to the application on the basis that the link road is the only access to 1.9 million sq ft of development and is totally inadequate for the task. All commercial traffic will be funnelled off the A67 via the only access to the Northside. This traffic will be forced to mix with residential traffic. This is a very poor piece of highway planning. The proposed road is squeezed tightly round the end of the runway that traffic has to be controlled by traffic lights to allow the safe take-off and landing of aircraft. This would be disruptive now, but will be more so if the whole 1.9 million sq ft is developed and the use of the airport increases. Consent should be refused on these grounds. A new access from the A67 would overcome all these objections.

Two letters of objection have been received which raise the following issues:

- *Avoiding a new junction on the A67 is welcome;*
- *The Southside development is designed for general industrial use and storage and distribution thereby creating local jobs which will encourage commuting rather than a move of home;*
- *This development should seek to formally close the current Teesside Airport railway station and provide a new rail station to serve the Southside Business Park and airport;*
- *The development will therefore need to fund journey time improvements between Darlington and Middlesbrough to offset any increase in journey times for existing rail customers between Darlington and Teesside when trains call at the new station;*
- *The proposed new link road is very close to the runway/operational aerodrome. Are the traffic lights sufficient to mitigate the risk of an unwanted incident i.e. should an aircraft overshoot the runway;*
- *It is noted that the landscaping proposals include grassland. Perhaps an area of well-drained poor low-nutrient soils could be incorporated into the landscape proposals for low lying nectar rich planting for pollinators;*
- *Agree with the comments of the Parish Council. Why isn't the original road plan used? The new 55 homes proposed by Esh (18/00972/FUL) will introduce a new junction off the entry roundabout. This would seem dangerous for HGV traffic.*

PLANNING ISSUES

Background to Application

The Southside Business Park has been a longstanding employment allocation within the adopted (and emerging) Development Plans for both Darlington and Stockton Borough Councils. There is an extant permission for 176,900 sq. m of warehousing and distribution floorspace on Southside, which includes a new link road to Southside from the A67. The current planning application relates only to the new link road and a B2/B8 unit to unlock the delivery of the Southside development, the latter being within the administrative boundary of Stockton Borough Council. Planning permission was first granted for the link road in November 2015 (Darlington Borough Council reference 15/00677/FUL and Stockton Borough Council 15/01625/FUL) and the resubmitted application to Stockton Borough Council 18/02023/FUL was approved in November 2018. The main issues for consideration are whether the proposed link road remains acceptable in principle and having consideration for other matters of development management.

Planning Policy

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

Since the grant of planning permission in 2015, the planning policy context has not changed significantly. Saved Local Plan Policy EP10 (Teesside Airport Employment Plan – South) of the Borough of Darlington Local Plan 1997 states that land to the south of the main runway will be safeguarded for development which requires a location at or adjacent to an airport and which cannot be located to the north of the main runway within the vicinity of the airport terminal; and which forms part of a comprehensive scheme providing for access to, and the orderly development of, the whole of the area to the south of the main runway, together with land in the adjoining Local Authority area; and incorporates access arrangements which do not interfere with the operation of the airport; and provides for the character and appearance of the area of high landscape value to the south of the airport.

Core Strategy Policy CS1 (Darlington’s Sub-Regional Role and Locational Strategy) also identifies Durham Tees Valley Airport as a strategic location for airport relates employment uses throughout the plan period.

The recently published National Planning Policy Framework, July 2018 is underpinned by the purpose of achieving sustainable development, which at paragraph 8 comprises the realisation of the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways, with opportunities taken to secure net gains across each of the different objectives. In relation to economic growth, the framework advises that *‘significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’* (para. 80).

In relation to airport growth, the NPPF promotes a collaborative approach to secure sustainable development and suggests planning policies should: *‘recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time*

– taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy’ (para. 104).

Given the above policy position it is considered that the principle of providing an alternative link road to serve an extant planning permission for employment development on the Southside site remains acceptable.

Visual Impact

Policy CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable design will be promoted in all new development, specifically reflecting or enhancing Darlington’s distinctive, natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. Policy CS14 (Promoting Local Character and Distinctiveness) requires that the distinctive character of the Borough’s built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced.

The proposed link road, security fencing and alterations to the existing highway have been designed, taking into account the constraints of the site and the surroundings. The alterations to the existing highway and proposed link road will take place within the existing visual envelope of the Airport and will respect the developed nature of the airport site, such that these elements of the proposal falling within the administrative boundary of Darlington Borough Council are not considered to have any unacceptable impact on the character and appearance of the surrounding area. The impact of the proposed employment unit and change of use of agricultural land falling outside of the Borough will be assessed by Stockton.

Aviation Safety

Aviation safety is an important material consideration in respect to the proposed development given its proximity to an operational airport. Development plan policies seek to safeguard DTVA’s airspace and maintain public safety. These issues have been assessed in full within the accompanying Aviation Safeguarding Report (URS, 2015). Policies in relation to Aviation Safety are unchanged since the granting of the existing permission and the proposed link road and employment unit remain of an appropriate design for the regulatory framework within which all international airports must operate (as regulated by the Civil Aviation Authority). It is therefore considered that the conclusions within the Aviation Safeguarding Report are still relevant.

Highway Matters

The application is supported by a full Transport Assessment (TA) which has been updated for this submission. The updated TA considers the proposed mixed-use Northside development for up to 350 dwellings, a 6,600 sq m local centre and hotel extension. Following review, the conclusions of the previous TA are still considered relevant and the traffic assessment is unchanged for this application.

The TA previously concluded that the impact of the proposed changes were acceptable as they can be accommodated at the relevant junctions (the estate road roundabout and the A67 roundabout) and that both junctions continue to operate within capacity. Details of the proposed capacity of the internal link road have also been provided within the TA and this is considered acceptable.

The traffic analyses provided and comparisons made with the extant consents have demonstrated that the proposed internal link road can accommodate the Southside consent and can therefore become the access route, replacing the new junction on the A67. It also demonstrates that the existing local highway network can accommodate the combined application and Northside proposals.

The proposed site sites within the wider DTVA Master Plan Area (AMPA) and as such has links to further pedestrian and cycle facilities on the wider highway network, including National Cycle Route 14. The existing AMPA bus service serves the local area towards Darlington, and also provides a bus/rail link with Dinsdale Rail Station. A new railway station is proposed within the AMPA which would be within easy walking distance of the site.

The Council's Highway Engineer raises no objection to the current application on the basis of the limited section of link road within the Borough and as it has been demonstrated that the generated traffic from the consented development can be accommodated on the adopted highway network. While the Transport Policy Officer has requested a number of sustainable transport improvement and contributions, these issues were addressed as part of the extant consent for the Southside development and it is not considered necessary to revisit these issues as part of the current proposals.

Ecology

An updated Ecological Appraisal of the land which is to form the route of the new link road has been undertaken and submitted with the application. Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) seeks to ensure that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development.

The assessment has identified that the current proposal will result in the development of 2.03 ha of unimproved grassland which is of county ecology and nature conservation value. It is recognised that this impact is unavoidable in achieving an access which links Northside and Southside. As such, consideration has been given to a scheme to mitigate this loss. It is proposed to set aside land within the application site on which compensatory grassland habitats could be created. This would provide mitigation and as the land would be incorporated within the Airport boundary (within the Stockton Borough Council area) it could be managed as part of the wider areas of Airport grassland which already exist alongside the runway and taxiways.

Accordingly, this application includes an area of compensatory habitat on adjacent arable farmland. This land allows not only for like-for-like replacement of the impacted grassland but for an overall net increase in the grassland habitat, ensuring a gain in biodiversity. The detailed specification of the habitat mitigation is subject to a condition. The Ecology Officer has raised no objection subject to the proposed mitigation and controlling condition.

The assessment has also confirmed that there are no protected species on the site, in particular it has been established that there are no water bodies on or adjacent to the site which could be suitable for Great Crested Newts. On this basis and subject to the habitat mitigation condition, the proposal is considered to comply with the requirements of Policy CS15.

Flooding

As the site is located in Flood Zone 1 and is greater than 1 hectare the Environment Agency's Standing Advice requires that a Flood Risk Assessment be submitted with the application. A Flood Risk Assessment has been submitted with the application which explains that surface water runoff from the northern extent of the link road will drain to a new pumping station and will then be pumped to an existing outfall. Neither Northumbrian Water, the Environment Agency nor the Lead Local Flood Authority has raised an objection to the proposal, subject to appropriate planning conditions requiring the development to be carried out in accordance with the Flood Risk Assessment and requiring final details of an appropriate surface water drainage solution to be submitted to the Local Planning Authority for approval prior to the commencement of development.

Archaeology

Core Strategy Policy CS14 seeks to protect, enhance and promote the quality and integrity of Darlington's distinctive national or nationally significant built heritage and archaeology. Paragraph 197 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.

A Cultural Heritage Technical Note and Archaeological Monitoring Report have been submitted with the application. The note identifies that the site includes the levelled remains of former medieval ridge and furrow. The assessment however has explained that this feature is of low significance given that the remains are denuded and are set in the context of a modern airfield. Furthermore, wider geophysical surveys have not revealed any geophysical anomalies that could be archaeological in origin. The note also highlights that there are some surviving WWII remains within the application site and concludes that the development will protect the significance, setting and legibility of the surviving elements of the non-designated WWII remains.

Durham County Archaeology has raised no objection to the application. Stockton Borough Council has also confirmed that as the site has previously been subject to a Cultural Heritage Assessment and Archaeological Monitoring of Geotechnical Investigations, which demonstrated that the site was of low archaeological potential, Tees Archaeology (who are leading on the application) require no further assessment as the applicant has fulfilled the requirements of the NPPF with regard to heritage assets.

Noise and Air Quality

A Noise Assessment of the proposed development has been undertaken and has considered how noise from the proposed development will affect the existing environment, and how future noise from the Airport (including its Master Plan proposals) and local road traffic affects sensitive receptors within the proposed development. In particular, regard has been given to the implications of the link road and employment unit on the proposed residential uses on Northside which are set out in the Master Plan. It must be noted however that the future proposals set out in the Master Plan are not subject of this application.

The noise assessment has acknowledged that the forecast road traffic from Southside will be significant. However, these flows will not occur initially and will relate to delivery of the entire development in the Master Plan (which are not subject of this application) and the proposed

development only includes the first phase of the wider Southside development. In any case, it is clear that the new link road, which will divert traffic past the proposed residential development (as set out in the Master Plan) on Northside, will not prejudice the achievement of all necessary internal and outdoor noise standards to ensure the amenity of future occupiers.

An Air Quality Assessment of the proposed development has been undertaken and assesses the effects of increased traffic on the local roads resulting from the proposed development and the proposed mixed use development on Northside (as set out in the Master Plan). The assessment has also considered the impacts to new residential properties arising from emissions from the Airport.

The operational impacts of increased traffic emissions arising from the additional traffic on local roads due to the proposed developments have been assessed. The impacts of local traffic and airport sources on the air quality for future occupiers of the proposed development have been shown to be acceptable at the worst-case locations assessed, with concentrations being well below the air quality objectives.

The Environmental Health Officer has considered the submitted information and raises no objection to the submitted information.

Land Contamination

The Council's Environmental Health Officer has advised that as the majority of the proposed link road appears to reuse existing hardstanding/paved roadways the likelihood of construction workers or future users coming into contact with underlying soils is low and as such there are no particular contamination concerns regarding the proposed link road development.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

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

This is the resubmission of a previously approved scheme (15/00677/FUL). There has been no significant change in planning policy since the determination of the previous application, acknowledging that the National Planning Policy Framework has recently been reissued. Technical reports have been updated where necessary and the proposal remains acceptable in terms of visual impact and highway safety, subject to appropriate conditions relating to surface water drainage, construction activities and ecological mitigation. Some of these conditions are by necessity pre-commencement conditions and the agent has confirmed his agreement to the use of these conditions. The proposal is therefore considered to comply with development plan policies and the National Planning Policy Framework.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. PL00
 - (a) General Arrangement, drawing number DTVA01-ARP-HW-01-DR-CH-00001 Issue 4;
 - (b) Typical Fencing Details, drawing number DTVA01-ARP-HW-03-DR-CH-000002 Issue 0;
 - (c) Proposed Highway Widening, drawing number DTVA01-ARP-HW-01-DR-CH000002 Issue 1;
3. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 hours on Mondays to Fridays and between 0900 and 1300 hours on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

REASON – To ensure that the development does not prejudice the enjoyment of neighbouring occupiers or their properties.

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

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated August 2018 and the following mitigation measures detailed within the FRA:
 - (i) Discharge limited to 3.8 l/s/ha
 - (ii) Discharge location is existing outfall no. 4

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

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

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

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

7. A Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development to agree the routing of all HGV movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offside dust/odour monitoring and communication with local residents.

REASON – In the interests of the occupiers of adjacent and nearby premises and highway safety.

8. Prior to the commencement of development a scheme for the ground preparation works consisting of soil stripping of arable topsoil to reduce nutrient levels, drainage works to ensure a free draining soil (except in agreed areas which may provide wetland habitat in the non-turf trans located areas) for the receptor site to ensure the success of grassland habitat creation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
 - (i) The precise delineation and location of the area to be a minimum of 3.67ha which shall include turf translocation of the 2.03 ha to be lost from situ and additional creation of 1.64ha through green hay and seed planting;
 - (ii) Details of the timing for the delivery and works (to ensure breeding birds are not affected) of the long-term maintenance and management of the site which shall include for the duration of the establishment of the receptor site and the subsequent remediation/maintenance, management and monitoring of the receptor site for the lifetime of the development.

The development shall be carried out in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

REASON – To ensure the identified ecological impact of the proposed development is appropriately mitigated.

INFORMATIVES

HIGHWAYS MATTERS

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

NETWORK RAIL MATTERS

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run-off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events. It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Services

We would expect services to be routed away from the railway and not to cross it.

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 Rails infrastructure or railway land.

Security of Mutual Boundary

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

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address 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.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

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.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionneem@networkrail.co.uk

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Borough of Darlington Local Plan 1997

Saved Policy EP9 (Teesside Airport Employment Land – North)
Saved Policy EP10 (Teesside Airport Employment Land – South)
Saved Policy T49 (Teesside Airport)

Darlington Core Strategy Development Plan Document 2011

Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy)
Policy CS2 (Achieving High Quality, Sustainable Design)
Policy CS5 (The Provision of Land for Employment Purposes)
Policy CS14 (Promoting Local Character and Distinctiveness)
Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)
Policy CS16 (Protecting Environmental Resources, Human Health and Safety)
Policy CS17 (Delivering a Multifunctional Green Infrastructure Network)

National Planning Policy Framework, 2018