

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO: 17/00632/OUTE

STATUTORY DECISION DATE: 22 December 2023

WARD/PARISH: Heighington And Coniscliffe

LOCATION: Land North Of Coniscliffe Road

DESCRIPTION: Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access For the avoidance of doubt planning permission is hereby granted separately and severably for site infrastructure landscaping and development cells identified on plan reference Indicative Development Framework plan (Drawing Number 7055-SK-01_N) (Additional Phasing Plan and Noise Assessment and Amended Flood Risk Assessment and Masterplan received 8 November 2017; additional Archaeology Report received 7 February 2018; additional Transport Assessment Addendum and additional Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019; updated Planning Statement; Environmental Statement and Ecology Reports received 28 January 2022; amended site location plan received 10 March 2022; Health Impact Assessment received 2 August 2022; amended Habitat Regulation Assessment and Nutrient Assessment Report and supporting information received 15 August 2023 and 7 September 2023)

APPLICANT: Taylor Wimpey (UK) Ltd & Mr Morgan

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

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSQ1HCFPGR500>

APPLICATION AND SITE DESCRIPTION

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

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

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

Masterplan and Planning Application Reference number 17/00636/OUTE

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

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

Statement of Community Involvement

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

Environmental Impact Assessment

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

MAIN PLANNING ISSUES

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

PLANNING POLICIES

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

Darlington Local Plan (2016-2036)

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

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

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

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

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

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

Tees Valley Minerals and Waste DPD

MWC4: Safeguarding of Minerals Resources from Sterilisation

Other relevant documents

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

RESULTS OF TECHNICAL CONSULTATION

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

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

RESULTS OF PUBLICITY AND NOTIFICATION

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

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

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

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

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

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

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

PLANNING ISSUES/ANALYSIS

a) Planning Policy

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

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

b) Impact upon the Mineral Safeguarding Area

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

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

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

d) Loss of Agricultural Land

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

e) Nutrient Neutrality

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

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

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

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

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

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

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

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

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

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

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

Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. There is an existing bridge crossing over the Beck from this application site to provide some pedestrian connectivity to the existing urban area.

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

g) Highway Safety

Access

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

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

Traffic Generation and Impact

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

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

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

Road Safety

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

Internal Highway Layout

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

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

Parking

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

Construction Management.

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

Structures Requiring Approval

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

Strategic Road Network Impacts

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

Sustainable Transport Matters

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

Travel Plan

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

h) Residential Amenity

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

i) Flood Risk and Drainage

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

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

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

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

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

j) Climate Change

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

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

k) Air Quality

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

I) Noise

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

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

m) Land Contamination

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

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

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

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

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

n) Impact on the Setting of Heritage Assets

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

o) Impact on Existing Trees and Landscaping

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

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

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

p) Impact on Footpaths and Public Rights of Way

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

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

q) Ecology

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

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

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

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

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

r) Affordable Housing

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

s) Sport Provision

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

t) School Places

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

u) Developer Contributions

175. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
176. The Heads of Terms that have been agreed with the applicant are:
- A Public Transport contribution of £262,500
 - Public Rights of Way Improvements and Safe Route to School contribution of £423,207.75
 - Travel Plan Contributions consisting of:
 - a) £2850 monitoring fee
 - b) £160,500 for Personalised Travel Advice
 - c) £107,000 for Travel Plan Implementation Bond
 - Off site Highway Improvements Works on the A66 of £310,212.79
 - Management Programme for open space and play areas.
177. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

THE PUBLIC SECTOR EQUALITY DUTY

178. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The dwellings would be built to the minimum requirements of Part M of the Building Regulations and footpaths will include appropriate design features such as tactile paving and dropped kerbs etc. It is envisaged that the development will comply with Policy IN2 in the regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

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

THE DIRECTOR OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

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

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

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MIND TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE

GENERAL

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

APPROVED PLANS

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

REASON: For the avoidance of doubt

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

REASON: For the avoidance of doubt

HILLSIDE CONDITION

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

REASON: For the avoidance of doubt

MASTERPLAN

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

REASON: In order to achieve a satisfactory form of development

NUTRIENT NEUTRALITY

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

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

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

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

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

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

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

EXTERNAL MATERIALS

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

REASON: In the interests of the visual amenity

NOISE

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

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

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

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

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

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

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

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

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

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

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

CONSTRUCTION IMPACTS

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

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

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

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

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

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

REASON: To protect the amenity of the local area

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

REASON: To protect the amenity of the local area

LAND CONTAMINATION

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

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

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

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

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

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

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

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

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

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

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

PHASING PLAN

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

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

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ECOLOGY

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

REASON: In the interest of protecting habitats and biodiversity

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

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

32. At Reserved Matters stage, an updated 30 year Biodiversity and Ecological Management for the who development or each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final Biodiversity Management Plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

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

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

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

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

HIGHWAYS

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

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

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

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

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

REASON: In the interests of highway safety

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

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

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

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

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

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

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

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

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

HOUSING MIX

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

SUSTAINABLE TRANSPORT

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

REASON: In order to promote sustainable modes of transport.

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

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

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

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

PUBLIC RIGHTS OF WAY

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

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

PLAY AREAS

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

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

LANDSCAPING

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

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

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

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

BROADBAND CONNECTIVITY

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

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

TREES

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

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

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

TRAVEL PLAN

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

REASON: To encourage and promote sustainable transport.

ARCHAEOLOGY

54. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

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

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

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

SOIL

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

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

INFORMATIVES

Other Permissions required from the Local Highway Authority

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

Detailed Plans of Road and Footway Layouts

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

Delivery of off-site highway works.

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

Street Naming and Numbering

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

Street Lighting Design

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

Traffic Regulation orders (Speed Limit)

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

Projections over Footways

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

Doors and Windows Opening over the Highway

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

Lead Local Flood Authority

The Informative Comments will be attached to the decision notice.

Environment Agency

The Informative Comments will be attached to the decision notice.

Northumbrian Water

The Informative comments will be attached to the decision notice.