

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO: 17/00636/OUTE

STATUTORY DECISION DATE: 22 December 2022

WARD/PARISH: Heighington And Coniscliffe

LOCATION: Land South Of Staindrop Road

DESCRIPTION: Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class E), a GP (Class E) land for proposed primary school and early years school (Use Class F1) and sports pitches with associated parking, public open space, landscaping and sustainable drainage system (SUDS), onsite nutrient mitigation scheme and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access For the avoidance of doubt planning permission is hereby sought separately and severably for site infrastructure landscaping and development cells identified on plan reference Indicative Development Framework plan (Drawing Number 7055-SK-01_R) (amended Flood Risk Assessment received 7 September 2017, Minerals Report, Agricultural Land Report and Phasing Plan received 26 September 2017, 2 October 2017, 9 October 2017, Archaeology Report received 23 November 2018; Transport Assessment Addendum and Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019; amended Planning Statement; updated Environmental Statement Addendum; Environmental Statement Non Technical Summary and Ecological reports received 28 January 2022; Shadow Habitat Regulations Assessment; Health Impact Assessment; Retail Sequential Test Assessment received 3 October

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

APPLICANT: Gladman Developments

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

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSVM1RFP0C800>

APPLICATION AND SITE DESCRIPTION

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

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

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

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

Masterplan and Planning Application Reference number 17/00632/OUTE

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

Statement of Community Involvement

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

Environmental Impact Assessment

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

MAIN PLANNING ISSUES

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

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

PLANNING POLICIES

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

Darlington Local Plan (2016-2036)

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

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

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV6: Local Green Spaces

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Diversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN3: Transport Assessments and Travel Plans

IN4: Parking Provision including Electric Vehicle Charging

IN6: Utilities Infrastructure

IN8: Broadband Infrastructure

IN9: Renewable Energy Infrastructure

IN10: Supporting the Delivery of Community and Social Infrastructure

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

LCM 1: Landscape

LCM 2: Tranquillity

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

Tees Valley Minerals and Waste DPD

MWC4: Safeguarding of Minerals Resources from Sterilisation

Other relevant documents

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

RESULTS OF TECHNICAL CONSULTATION

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

RESULTS OF PUBLICITY AND NOTIFICATION

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

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

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

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

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

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

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

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

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

PLANNING ISSUES/ANALYSIS

a) Planning Policy

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

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

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

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

b) Impact upon the Mineral Safeguarding Area

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

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

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

d) Loss of Agricultural Land

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

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

e) Nutrient Neutrality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g) Highway Safety

Access

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

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

Traffic Generation and Impact

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

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

Internal Highway Layout

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

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

Parking

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

Construction Management.

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

Structures Requiring Approval

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

Strategic Road Network Impacts

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

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

Sustainable Transport Matters

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

Travel Plan

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

h) Residential Amenity

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

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

i) Flood Risk and Drainage

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

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

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

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

j) Climate Change

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

k) Air Quality

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

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

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

I) Noise

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

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

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

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

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

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

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

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

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

m) Land Contamination

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

o) Impact on the Setting of Heritage Assets

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

p) Impact on Existing Trees and Landscaping

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

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

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

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

q) Impact on Footpaths and Public Rights of Way

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

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

r) Ecology

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

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

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

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

s) Affordable Housing

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

t) Sport Provision

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

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

u) School Places

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

v) Developer Contributions

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

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

THE PUBLIC SECTOR EQUALITY DUTY

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

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

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

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

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

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

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

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

GENERAL

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

APPROVED PLANS

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

REASON: For the avoidance of doubt.

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

HILLSIDE CONDITION

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

REASON: For the avoidance of doubt.

MASTERPLAN

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

REASON: In order to achieve a satisfactory form of development.

NUTRIENT NEUTRALITY

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

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

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

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

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

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

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

EXTERNAL MATERIALS

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

REASON: In the interests of the visual amenity.

PLAYING FIELDS/PITCHES

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

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

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

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

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PHASING PLAN

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

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

HIGHWAYS

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

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

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

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

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

REASON: In the interests of road safety.

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

SUSTAINABLE TRANSPORT

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

REASON: In order to promote sustainable modes of transport.

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

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

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

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

TRAVEL PLAN

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

REASON: To encourage and promote sustainable transport.

HOUSING MIX

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

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

PUBLIC RIGHTS OF WAY

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

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

NOISE (GENERAL/SCHOOL DEVELOPMENT/PLAYING FIELDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXTERNAL LIGHTING

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

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

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

CONSTRUCTION IMPACTS

45. Prior to the commencement of each phase of the development, a site-specific Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
 - c) Details of any temporary construction access to the site including measures for removal following completion of construction works.
 - d) Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - e) The parking of contractors' site operatives and visitor's vehicles.
 - f) Areas for storage of plant and materials used in constructing the development clear of the highway.
 - g) Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
 - h) Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
 - i) Protection of carriageway and footway users at all times during demolition and construction.
 - j) Protection of contractors working adjacent to the highway.
 - k) Details of site working hours.
 - l) Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
 - m) Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
 - n) Measures to control and monitor construction noise.
 - o) An undertaking that there must be no burning of materials on site at any time during construction.
 - p) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - q) Details of the measures to be taken for the protection of trees.
 - r) Details of external lighting equipment.
 - s) Details of any ditches to be piped during the construction phases.
 - t) A detailed method statement and programme for the building works; and

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

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

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

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

REASON: To protect the amenity of the local area.

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

REASON: To protect the amenity of the local area.

NOISE(COMMERCIAL UNIT)

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

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

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

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

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

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

LAND CONTAMINATION

51. Prior to the commencement of each phase of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination Risk Management LCRM) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.
- REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023.
52. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination Risk Management LCRM) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.
- REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2023.
53. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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

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

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

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

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

ECOLOGY

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

REASON: In the interest of protecting habitats and biodiversity.

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

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

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

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

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

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

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

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

PLAY AREAS

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

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

BROADBAND CONNECTIVITY

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

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

GREEN INFRASTRUCTURE/LANDSCAPING

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

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

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

EDUCATION LAND

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

LOCAL STORE

65. The land allocated for local store (approx. 1.2 hectares) and the associated playing fields as shown on the approved Indicative Development Framework plan (Drawing Number 7055-SK-01_R) shall be retained for such purposes for a time period of ten years from the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that land is allocated for such purposes in the event of a local store being required.
66. The local store hereby approved shall be used for purposes within Class E(a) and for no other purpose (including any other purpose in of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
REASON: In the interests of retail planning policy.

GP PRACTICE

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

SOILS

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

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

TREES

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

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

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

INFORMATIVES

Other Permissions required from the Local Highway Authority

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

Detailed Plans of Road and Footway Layouts

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

Delivery of off-site highway works.

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

Street Naming and Numbering

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

Street Lighting Design

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

Traffic Regulation orders (Speed Limit)

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

Projections over Footways

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

wDoors and Windows Opening over the Highway

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

Lead Local Flood Authority

The Informative Comments will be attached to the decision notice.

Environment Agency

The Informative Comments will be attached to the decision notice.

Northumbrian Water

The Informative comments will be attached to the decision notice.