

## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 January 2024

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<b>APPLICATION REF. NO:</b>	21/00529/FUL
<b>STATUTORY DECISION DATE:</b>	17 <sup>th</sup> August 2021
<b>WARD/PARISH:</b>	SADBERGE AND MIDDLETON ST GEORGE
<b>LOCATION:</b>	Land to the west and south of Station Road, Middleton St George Darlington
<b>DESCRIPTION:</b>	Demolition of existing agricultural buildings and structures and development of 260 no. dwellings including access, open space, landscaping, sustainable drainage systems and associated infrastructure and works (Amended plans received 18th September 2023) (Amended description) (BNG information received 24th October 2023)
<b>APPLICANT:</b>	STORY HOMES LIMITED

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#### APPLICATION AND SITE DESCRIPTION

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QSOWFFPKFV00>

1. The application site, which extends to some 14 hectares, is situated to the south and west of Station Road, to the north of Middleton St George, and consists of agricultural fields bound by several trees and hedgerows which divide the site and create screening along parts of the site boundary.
2. The site is crossed by a tributary of the river Tees and flows southwest into the river Tees approximately 3 miles downstream.
3. On the northern part of the site there are currently several farm buildings with vehicular access to the farm from the north of the site from Station Road. There are also two

Public Rights of Way from Station Road to the east of the site to two points on the southern boundary of the site.

4. To the north and east of the proposed development site are residential properties on and beyond Station Road. The south of the site is bound by the Middleton St George Water Park (balancing ponds) and to the west of the site there is agricultural land. Middleton St George village centre sites approximately 0.5km from the site offering a range of shops and services including a hair salon, takeaway, restaurant, news agent and post office. A New Sainsbury's Local shop is located on the Northern side of Station Road.
5. Planning permission is sought for the development of the site for 260 residential dwellings with associated landscaping and infrastructure, incorporating the following:
  - Vehicular access from Station Road to the north with a proposed cycle / pedestrian access also from Station Road to the east.
  - The provision of a range of house types and sizes within the development, 236 no. two story dwellings and 24 no. bungalows – 36 no. 2 bed dwellings, 54 no. 3 bed dwellings, 120 no. 4 bed dwellings and 50 no. 5 bed dwellings; 15 different house types; 52 (20%) affordable homes – 47% built to M4(2) Building Regulation Standard house types, with 9% built to M4(3) building regulation standards.
  - Retention of the existing beck valley which crosses the site.
  - The provision of open space opposite the Platform 1 building, a non-designated heritage asset.
  - Provision of strong frontages to provide increased visual permeability of the estate, in the context of the wider surrounding area.
  - Elevations and their materials in keeping with the site's existing surrounding developments.
  - Accommodating Public Rights of Way within the site through proposed diversions.
  - Areas of public open space, the retention and enhancement of existing trees and hedgerows, additional tree and shrub planting and the inclusion of landscape buffers
  - SuDs basins managed to promote species rich marginal / wet grassland habitats.
  - A comprehensive landscaping scheme to enhance the appearance of the site and the surrounding area and to enhance the ecological value of the site.
  - Infrastructure works (including drainage ponds, pumping station access from Station Road, internal estate roads and footpaths, underground utilities).
  - All house types are part L compliant. Story Homes have undertaken analysis of the revised house types against building regulations with semi-detached properties achieving circa 1.3% reduction in carbon emissions over Part L 2021, detached properties achieve a 2.34% reduction.
  - All dwellings will meet the requirements of the new Approved Document Part O: Overheating and achieves these reductions via passive design. Internally, the accommodation has been laid out to maximise the internal space and light afforded. Each of the principal living rooms will have sufficient glazing to allow natural light to penetrate the rooms, reducing the need for artificial lighting.

6. This site was initially submitted as part of outline application Ref 16/00976/OUT for the demolition of existing buildings and the erection of up to 260 residential dwellings, although this was not determined owing to the emerging local plan. This application has been submitted as a Full application which considers the full internal site layout in detail. The site now forms an allocation within the adopted Local Plan for housing.

### **Environmental Impact Assessment Requirements**

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

### **MAIN PLANNING ISSUES**

9. The main issues for consideration are:
  - (a) Principle of the development
  - (b) Impact on non-designated Heritage Assets
  - (c) Visual and residential amenity (incl. air quality and land contamination)
  - (d) Highways and Sustainable Transport
  - (e) Public Rights of Way
  - (f) Surface Water and Flood Risk
  - (g) Ecology
  - (h) Nutrient Neutrality
  - (i) Developer Contributions
  - (j) Other matters

### **PLANNING POLICIES**

10. Policy H2 of the Local Plan allocates the site for housing development. This is supported by an allocation statement, set out in Appendix B of the plan, which sets out the requirements for the site. The following policies are relevant in the determination of this application:

#### **NPPF (2023)**

#### **Local Plan (2022)**

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  
ENV2: Stockton Darlington Railway  
ENV3: Local Landscape Character  
ENV4: Green & Blue Infrastructure  
ENV5: Green Infrastructure Standards  
ENV7: Biodiversity & Geodiversity & Development  
ENV8: Assessing a Development's Impact on Biodiversity  
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  
IN10: Supporting the Delivery of Community and Social Infrastructure  
**Tees Valley Minerals and Waste Development Plan Documents (2011)**  
Policy MWC4: Safeguarding of Minerals Resources from Sterilisation  
**Design of New Development SPD (2011)**  
**Planning Obligations SPD (2013)**  
**First Homes Policy Position Statement (2022)**

**Middleton St George Neighbourhood Plan (2022)**

MSG1: Sustainable Development  
MSG2: Design  
MSG3: Embedding energy efficiency and renewable energy.  
MSG4: Green Infrastructure  
MSG5: Biodiversity  
MSG8: Heritage Assets  
MSG9: Housing Mix  
MSG12: Infrastructure  
MSG14: Transport and new development  
MSG15: Rights of Way

**RESULTS OF TECHNICAL CONSULTATION**

11. No objections in principle have been raised by the Council's Highways Engineer, Public Rights of Way Officer, Transport Planning Officer, Ecology Officer or Environmental Health Officer, subject to conditions. No objections have been raised by the Historic Environment Record Officer, the Local Lead Flood Authority or Natural England subject to conditions. National Highways has raised no objections subject to a financial contribution to the strategic highway network as part of a section 106 agreement.

## RESULTS OF PUBLICITY AND NOTIFICATION

12. 31 Letters of objection have been received, raising the following concerns:

- Highway safety: village cannot accommodate any further traffic, already dangerous.
- Increased car dependency.
- Existing parking issues.
- Impact on the environment and climate change.
- Loss of existing public right of way.
- Flood Risk Issues.
- Concerns regarding low occupancy rate used for nitrate calculations.
- Too many houses in the village currently.
- Loss of green space.
- Impact on wildlife. Concerns about Biodiversity net gain and if this is achievable.
- Does not accord with the Local Plan.
- Mix of housing not acceptable, housing not needed in this area.
- Impact on heritage assets.
- Impact on amenity due to increased traffic.
- Impact on amenity during construction.
- Lack of infrastructure, doctors, schools.
- Location of affordable housing.

13. Four representations have been made raising the following points:

- Development looks well designed and should provide the village with some new housing options.
- Additional traffic is not a concern due to the position of the proposed access road.
- Will support local business and bring more money into the area.
- Broadband infrastructure should be incorporated.
- Provision of a play area should be considered.
- Consider upgrading Darlington Road to include a cycle path.
- Alternative access should be made available for construction traffic.
- Primary school is almost at capacity. What provision will this development make.

14. The Friends of Stockton and Darlington Railway has requested that if permission is granted, a contribution should be sought towards the funding of the proposals of the nearby S&DR Heritage Action Zone and the Fighting Cocks Heritage Hub.

15. Middleton St George Parish Council has objected on the following grounds:

- The site is outside of development limits (at the time of the original application).
- Council can evidence a five-year housing land supply.

- There is no sound justification for this site being developed within the emerging Local Plan either regarding development boundaries or to benefit the community as a service village.
  - Highway safety.
  - No regard to Middleton St George Neighbourhood Plan.
  - Proposed housing does not reflect the needs of the area.
  - Flooding and drainage.
  - Impact on heritage assets.
16. One letter of objection raises concerns regarding the insufficient opportunity for residents of Middleton St George to have a meaningful say on the application citing a lack of consultation and publicity. It should be noted that all publicity and consultation is in accordance with both statutory requirements and local guidelines.

## **PLANNING ISSUES/ANALYSIS**

### **a) Principle of the development**

17. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. A neighbourhood area housing requirement for Middleton St George of 860 homes over the plan period is also included in the policy. This is not in addition to the figure which has been established for the borough, it reflects the combined yield of the allocations and commitments within the neighbourhood area. The neighbourhood area requirement includes the anticipated yield of this allocated site over the plan period and therefore the proposal would contribute towards the achievement of this requirement.
18. Policy H2 of the Local Plan allocates this site (99 – Maxgate Farm, MSG) for housing development which will contribute towards meeting the Boroughs quantitative and qualitative need for housing over the plan period. It outlines a yield for indicative purposes only of 260 homes for the site, all of which are anticipated to be delivered during the plan period.
19. 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. The site is located within the development limits of the village; therefore, the proposal accords with policy H3.
20. The site is not designated for any particular use in the Middleton St George Neighbourhood Plan. The neighbourhood plan also simply refers back to the Local Plan and policy H3 with regards to the defined development limits.
21. 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 the number of dwellings identified within the indicative yield.

### **Housing Mix**

22. Policy H4 of the Local Plan states that proposals for housing development will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs as identified within the most up to date Strategic Housing Market Assessment or other relevant evidence. A suitable housing mix should also give consideration to a site's location, physical constraints, character and surrounding context.
23. The Council's latest SHMA (2020) evidence suggests an overall housing mix of 6.5% - 1 Bed, 32% - 2 Bed, 50% - 3 Bed and 11.5% 4 Bed +. The scheme proposes 36 no. 2 bed dwellings (13.8%), 54 no. 3 bed dwellings (20.8%), 120 no. 4 bed dwellings (46.2%) and 50 no. 5 bed dwellings (19.2%) of 15 different house types. The mix proposed does not directly align with the percentages sought in the SHMA and a greater number of larger dwellings are proposed. This does not raise significant concerns given the broad mix proposed and the twenty-four bungalows proposed on the site will assist in meeting the needs of older people, particularly when the borough, like many places, has an ageing population.
24. Policy H4 requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. The planning statement submitted sets out that 47% of the homes will be built to M4(2) standard and 9% built to M4(3) standard, therefore achieving, and exceeding the policy requirement. At this time the Council will only be requesting the M4(3) a, wheelchair adaptable standard. The standards will need to be secured through an appropriate condition. They will assist in meeting the housing needs of older people and those with disabilities in the local area as identified in the SHMA (2020).
25. Policy H5 requires proposals in the Middleton St George Ward to provide 20% affordable housing, of which, 50% for affordable rent and 50% for affordable home ownership. The Council's First Homes Policy Position Statement (2022) also sets out a requirement that 25% of affordable homes secured should be delivered as First Homes. This would make up a proportion of the affordable home ownership tenure split. The applicant has acknowledged the overall requirement in their planning statement and has proposed 52 affordable homes which will meet the overall 20% requirement. Although no detail has been provided on tenure split. The required tenure split can be secured through a planning condition requiring submission and agreement of the scheme of affordable housing. The affordable units are all 2 and 3 bed properties. This does align with the SHMA (2020) which indicates a greater need for 2 and 3 bed affordable homes.
26. Policy MSG9 Housing Mix of the Neighbourhood Plan is also relevant. It states, proposals for housing development will be encouraged to provide an appropriate mix of

housing types, sizes and tenures which have regard to local needs as identified within the most up to date Middleton St George Housing Needs Assessment and the Darlington Strategic Housing Market Assessment or other relevant evidence, in accordance with Darlington Local Plan Policy H4. The affordable housing requirements of Local Plan policy H5 are also reiterated.

27. One of the main points from the Middleton St George Housing Needs Assessment is that affordability should be improved across the neighbourhood area. It outlined that affordable rent should be increased wherever possible and new residential development should ensure a substantial proportion of smaller dwellings to address affordability. The assessment considers that increasing these types of homes will re-balance the housing stock which is currently characterised by larger properties with a high percentage of home ownership, as opposed to private and social renting. The proposal will assist in meeting these needs with the inclusion of 52 affordable units and 90 homes which will be 2/3 bed.

**b) Impact on non-designated Heritage Assets**

28. Policy ENV1 indicates that, planning applications on sites of more than 1 hectare must be accompanied by an archaeological evaluation report, unless the area is already known to have been archaeologically sterilised by previous development (such as mineral extraction).
29. The applicant submitted an interim archaeological evaluation report and have since undertaken further investigative works comprising trial trenching and an excavation report. The Historic Environment Record Officer is satisfied that no further work is required, and that any below ground archaeological assets are not significant and raises no objections. Archiving has been completed and the proposal complies with Policy ENV1 of the Local Plan and Policy MSG8 of the Middleton St George Neighbourhood Plan in this regard.
30. The housing allocation statement in appendix B of the Local Plan sets out that there is a non-designated public house related to the Stockton and Darlington Railway located adjacent to the site on the corner of Station Road and Sadberge Road. It states that any development scheme should look to incorporate interpretation of the historic route.
31. Policy ENV2 (Stockton and Darlington Railways) states that proposals which will conserve and enhance elements which contribute to the significance of the Stockton and Darlington Railway and its setting, will be supported.
32. The scheme has been designed to respond to, and strengthen the existing setting and accessibility of, the Former Stockton and Darlington Railway to the North. Dwellings located on the northeast corner of the application site have an open frontage looking on to the pedestrian access to the former railway. The site also has good pedestrian linkages to the former public house (now Sainsbury's). The landscape design and retention of setback and "Village Green" style vista in the north-eastern corner of the site ensures compliance with design criteria in Policy H2 regarding the former public

house (now Sainsburys) and non-designated heritage asset, and also compliance with Policy ENV1 and MSG8.

33. The housing allocation statement in appendix B of the Local Plan states that any development scheme should look to incorporate interpretation of the historic route. In view of this, developer contributions have been agreed for £10,000 towards research and the interpretation of the Former Stockton and Darlington Railways which would be paid prior to occupation of the site. This is considered further in the developer contributions section below.
34. Overall, whilst the delivery of housing in accordance with Policy H2 delivers a public benefit capable of outweighing any perceived harm, the design approach has ensured that the setting and significance of non-designated heritage assets is respected. Furthermore, given that the non-designated heritage asset is related to the history of the Stockton and Darlington Railway, the conservation and enhancement of its setting together with a developer contribution also ensures compliance with Policy ENV2 and provision of interpretation along this historic route.

**c) Visual and residential amenity**

35. The allocation statement for the site states that an area of open space should be provided opposite the public house and design housing to face onto this to strengthen the 'village green' character. The landscape masterplan submitted illustrates that this requirement has been adhered to.
36. Policy ENV4 sets out principles and criteria for the protection and enhancement of green and blue infrastructure. Criteria c talks about capitalising on opportunities to enhance and/or create green links between green and blue infrastructure features. A beck valley crosses the northern part of the site, and this has been retained as part of the site layout which is acknowledged. The above principles of the protection and enhancement of green infrastructure are reiterated in policy MSG4.
37. Criteria c of the allocation statement in the Local Plan explains that there are a number of mature hedgerows on the site particularly along the western side. The proposed site layout retains and incorporates these features. Opportunities should also be taken to enhance the green infrastructure network and link to the wider network. This has been achieved in the submitted site layout.
38. Policy ENV5 of the Local Plan (2016 - 2036) requires developments of over 20 dwellings to deliver new green infrastructure to meet the additional need generated by the proposal subject to the quantity, quality, or accessibility of existing provision. The following types of green infrastructure should be provided - informal recreation space; wildlife friendly space; children & young people space; and street trees. It is noted from the landscape masterplan submitted that there is on site provision of green infrastructure and the existing beck valley retained with vegetation supplemented. The proposal demonstrates that the protection and enhancement of the green and blue infrastructure can be achieved.

39. It is important to note that policy ENV5 also requires measures to be put in place to secure the long-term maintenance of green infrastructure and open space facilities that are provided, and this would be addressed as part of a Section 106 agreement.
40. It is also important to note that para 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It goes on to emphasise that existing trees should be retained wherever possible and planning decisions should ensure that new streets are tree-lined. The application demonstrates that a large proportion of existing trees and hedgerows are to be retained and new streets are street lined.
41. A Landscape and Visual Impact Assessment undertaken by Pegasus Group (November 2023) was submitted in support of the application and considers the potential effects of the application on landscape character and visual amenity. This assessment concludes specifically that *“The proposed development would provide new open space, a strong green infrastructure network and new linkages with the local footpath network. From both a landscape and visual perspective the indicative proposed layout responds sympathetically to the wider landscape and urban character and has been designed so as to retain important landscape features and strengthen key characteristics of the surrounding landscape, where possible, whilst minimising visual intrusion”*.
42. The site, which consists of agricultural land, adjoins the northern parts of Middleton St George, and represents a logical extension to the built-up extent of the village. Station Road wraps around the northern and eastern boundaries of the site and is principally lined with housing. The site is largely seen in the context of existing housing to the northern and eastern boundaries, and the Water Park to the southern boundary. Whilst the western boundary is open to the countryside, the effects of development of this site would be contained by the existing heavy vegetation, and the site would predominantly be seen in the context of the existing built form.
43. The proposed landscape designs seek to incorporate and augment existing landscape features where possible, provide areas of open space, new planting, landscape corridor alongside the existing watercourse and at the western side of the site, all of which would mitigate any perceived impact as a result of development, alongside providing practical area of amenity space throughout the site and breaking up its built impact.
44. An Arboricultural Impact Assessment undertaken by Brindle Green (October 2023) was submitted in support of the application. This sets out a schedule of existing trees and hedgerows that would need to be removed either to facilitate the development or as a result of their assessment exposing issues such as structural defects, poor life expectancy or safety.
45. The above report sets out that to facilitate the development a total of 18 trees, three hedgerows and four small groups of trees are required to be removed, together with partial removal of two groups of trees and two hedgerows. The report has identified

that eight trees and one group of trees are recommended for removal irrespective of development. With the exception of one category B group, all are categorised as category C specimens. The submission also sets out the methods of protection for the retained trees and hedgerows, and it is recommended that a planning condition be attached to any permission to secure compliance with the methods set out.

46. To mitigate the above removals the report recommends that new planting should take place throughout the site and this is demonstrated through the landscape masterplan submitted with the application, which also includes supplementing of vegetation along the stream corridor, a proposed new tree and shrub buffer along the western boundary, new hedgerow planting, trees and grass verge along the northern boundary, a new orchard in the public open space to the east side of the site, and individual tree planting in gardens and new tree planting in the public open space to the south eastern section of the site.
47. Overall, and in the context of the associated tree reports, and landscape masterplan plan the Landscape and Visual Impact assessment summarises that the proposal is well designed and cognisant of the character and appearance of the countryside surrounding the village. The conclusions of the assessment are considered to be sound, and the proposal complies with policy ENV3 and MSG4 in this regard.
48. The density of the development is in keeping with the local area and having been designed to incorporate existing features, and include enhanced landscaping and greenspace, the proposal is considered to integrate well into the surrounding environment.
49. The layout incorporates a strong frontage, with the use of shared drives, to give increased visual permeability of the estate, whilst minimising the visual impact of the local area. There is a variety of house types, of a scale and detailing reflecting the local area. Boundary treatments are a mixture of timber trip railing, brick pillar walls within timber infill panels, and open boarded fencing for private gardens.
50. The Design and Access Statement also provides details of the materials that are to be used for the building's roads and infrastructure and details of the type of external materials to the dwellings. The materials have been selected to reflect the Sites context and setting whilst respecting the Sites village location. Specifically, the house types have incorporated a variety of external finish including the use of art stone features on various plots.
51. Annex three of the Middleton St George Neighbourhood Plan sets out a range of design criteria which reflect that set out within the related policy MSG2. The submission has considered this in the design of the scheme and the submitted Design and Access Statement includes an assessment of the proposed development against the MSG design code in Appendix two of the document. As the D&A Statement states, this is not a bespoke design code for Maxgate Farm and applies to the settlement and Neighbourhood Area more generally. As such, it has been considered proportionately

and accordance has been demonstrated in relation to grain and density, height and skyline, massing and roofscape, space, movement, design, and materials. In the context that the Site is allocated for development, compliance is also demonstrated with design guidance on landscape through the retention and enhancement of key green infrastructure and landscape features at the watercourse and on the western field boundary.

52. Overall, it is considered that the proposed layout, scale, design, and appearance of the dwellings, are acceptable and in accord with the requirements of policies DC1, ENV3, ENV4 and ENV5 of the Local Plan and MSG1, MSG2 and MSG4 of the Middleton St George Neighbourhood Plan.

### **Residential Amenity general**

53. The layout has been mindful of the guidance set out within the Design SPD and will provide a satisfactory level of amenity for existing residents and the occupiers of the proposed dwellings, and the proposal is therefore in accord with Policy DC4 of the local Plan and policies MSG1 and MSG2 of the Middleton St George Neighbourhood Plan.

### **Air quality**

54. The application has been submitted with an air quality assessment prepared by njd Environmental Associates dated March 2021. The assessment has looked at the impact on air quality from emissions created by the increase in road traffic as a result of the development. The assessment has modelled the impact of these additional emissions on the nearest existing residential receptors closest to the site. This has shown that the impact of the development is expected to have a negligible impact on the surrounding air quality. The Environmental Health Officer agrees with these conclusions.
55. The report has also assessed the impact on air quality expected as a result of the construction phase of the development. This has shown that there is significant potential for dust emissions to impact on local residents during the construction phase of the project. The report goes on to recommend a series of mitigation measures which could be designed to minimise the emission of dust from the site during the construction phase. These would be incorporated into a Construction Management Plan, which is considered further below. Subject to this, the proposal complies with policy DC3 and DC4 of the Local Plan and MSG1 and MSG2 of the Middleton St George Neighbourhood Plan.

### **Noise**

56. The application has been submitted with a noise assessment prepared by njd Environmental Associates dated August 2023. This noise assessment has been updated to take account of recent revisions to the site layout. It considers how the dwellings proposed for the site would be impacted by noise from road traffic from Station Road which forms the northern and eastern boundary of the site. There are no other nearby

noises sources which would have an impact on the occupiers of future dwellings. The assessment again uses the measurements of noise from the site taken in March 2021 and then models those results to give a decibel reading inside the bedrooms, living rooms and gardens of the proposed dwellings.

57. The results of this modelling suggest that mitigation will be required in the form of an alternative method of ventilation for those dwellings closest to the road and an acoustic fence will be required to be built around the proposed garden areas closest to the road. The recommendations of this acoustic report have been incorporated into the updated Noise Mitigation Plan drawing (Drawing No. 30020.PLN.NOI REVISION D) dated 22.03.2021 which shows those dwellings where an alternative means of ventilation is required and where an acoustic fence will need to be erected to protect against noise in garden areas. The Environmental Health Officer has recommended a planning condition to secure a suitable ventilation strategy for the identified properties and for this to be installed prior to the occupation of the dwellings, and a condition requiring the noise mitigation measures identified for plots 1 and 256 as per the recommendations of the report. Subject to these, the proposal would comply with policies DC4 of the Local Plan and Policies MSG1 and MSG2 of the Middleton St George Neighbourhood Plan.

#### **Construction impacts**

58. The application is for an extensive development that will likely take years to build. The construction phase of the homes will inevitably have an impact on existing nearby residents and future residents who move into the site once the development of some the proposed homes is completed. Issues such as dust, noise, car parking for contractors and delivery routes for materials could all impact on residents. Although the njd air quality assessment gives suggestions for mitigation measures to control dust from the site the Environmental Health Officer has recommended that further conditions are attached to any approval to minimise the disruption as part of a condition requiring submission and agreement of a Construction Management Plan. Subject to this, the proposal complies with policy DC3 and DC4 of the Local Plan and MSG1 and MSG2 of the Middleton St George Local Plan.

#### **Land contamination**

59. The application has been submitted together with a Phase 1 Preliminary Site Investigation Report prepared by Dunelm dated February 2016 and a Phase 2 Site Investigation Report prepared by Sirius Environmental Consultants dated July 2019.
60. The preliminary investigation has identified that the site has historically been undeveloped farmland and as such it was not expected to be significantly contaminated. There has been some development with buildings associated with a small farmstead in the north-west corner of the site and this area has been targeted in subsequent site investigation works.

61. The site investigation comprised 20 trial pits, 8 boreholes and the targeted trial pitting and sampling of two stockpiles of waste material which looked to have been deposited in the north-west of the site around the farmstead. Ground gas monitoring was undertaken in 4 boreholes around the site, the results of the ground gas monitoring are contained in a separate ground gas addendum letter report from Sirius dated 16<sup>th</sup> September 2019. The ground gas monitoring has shown that there is not a viable source of ground gas impacting on the site and that there is very little or no flow of ground gas into the boreholes. The assessment has placed the site into 'Characteristic Situation 1' for ground gas requiring no special protective measures for ground gas and the Environmental Health Officer agrees with this assessment.
62. The sampling for contaminants has identified exceedances of the assessment criteria for benzo(a)pyrene and lead in samples taken from the stockpiled material on site. The assessment criteria for zinc was also exceeded in one of the samples taken from the area around the former farmstead. Remediation in those areas where the assessment criteria has been exceeded will be required in order to ensure that the site is suitable for the proposed residential end use. The site investigation makes some suggestions for possible remediation options, and the Environmental Health Officer has confirmed that they would be satisfied to see these incorporated into a full remediation method statement. The current amendment to the application makes it clear that these redundant farm buildings will be demolished as part of the application.
63. In view of the above, the Environmental Health Officer has recommended that should the application be approved, in order to ensure that suitable remediation is undertaken, standard Contaminated Land planning conditions CL4-CL6 are attached to any approval. Subject to the above, the proposal is considered to comply with Policies DC3 and DC4 of the Local Plan and MSG1 and MSG2 of the Middleton St George Neighbourhood Plan.

d) **Highways and Sustainable Transport**

**Access and connectivity**

64. The Allocation Statement for this site in Appendix B of the Local Plan (2016 - 2036) requires in part a for vehicle access to be taken from Station Road which is proposed by the applicant.
65. The proposed development includes a single point of vehicular access from Station Road via a new ghost island priority junction layout. The site access would provide visibility splays of 4.5m x 160m to the East and 4.5m x 120m to the West in accordance with observed 85th percentile speeds on Station Road and meeting guidance in The Design Manual for Roads & Bridges (DMRB) for a 40mph speed limit. A development of up to a maximum of 300 dwellings may be served by a single point of access, as such the Highways Engineer would consider the proposed access type to be adequate for the life of the development.
66. In addition to the main vehicular access to the site a separate pedestrian / cycle access point is proposed onto Station Road to the east of the site. This is welcomed to help

provide permeability through the site for pedestrian and cycle movements and accessibility from the site to the centre of Middleton St George. This route would also provide an alternative access to the site for emergency services should the main vehicular access from Station Road be blocked.

67. Primary pedestrian access will be via 2.0m footways located each side of the site entrance. A pedestrian refuge crossing facility is shown located 30m east of the site entrance which gives connectivity to bus stops and wider pedestrian infrastructure to the North of Station Rd, however an additional crossing facility should be provided west of the site access to aid pedestrian movements for people living within the St, Georges Gate development and wishing to use the new bus stop layby. A new offsite footway should also be provided across the site frontage to facilitate pedestrian movements between this development and the southern part of the village.

### **September 2023 Transport Assessment addendum and update**

68. The applicant was requested to submit an updated sense check on traffic impact owing to previous assessment work being undertaken on baseline traffic survey data taken in 2016. Given the age of the survey data used, changes to post pandemic traffic patterns, the widespread adoption of home/blended working and the significant recent development traffic now on the local and strategic highway network, the picture was unclear if the assessment work previously undertaken was still accurate and resilient for both current and future operating years, unless updated baseline survey data is used to re-run the previous modelling.
69. Updated survey data was captured in November 2023 and the previously agreed trip rates and assignment used. The re-assessments have been carried out for the future year up to 2031, including the agreed traffic associated with committed developments in the area (No Development) and the proposed development flows (With Development). The results show the results of the re-assessments which demonstrate the junction operates well within capacity now and is predicted to do so in 2031 and beyond.
70. An updated review of recorded accident history has also been undertaken. This confirms that there has been just one reported personal injury accident near Station Road/ Sadberge Road during the almost 8-year assessment period up to 28th September 2023 (latest available) and it was a result of poor driver behaviour. It is therefore concluded that Station Road/ Sadberge Road, and its surrounding locality operate in a safe manner, and that the predicted traffic generation does not present a severe impact on road safety or the operational capacity of the highway.

### **Internal Layout.**

71. The internal layout is generally in accordance with adoptable standards, with the internal highway network consisting of 5.5m wide carriageways with 2.0m wide footways (all measurements are between restraints) where intended to be offered for future highways adoption as part of a Section 38 Agreement. The Highways Engineer

welcomes this approach and considers this to be a safer pedestrian environment than use of 'shared space' designs which may be more difficult to navigate and less legible for persons with mobility or visual impairment.

72. Swept path analysis has been submitted to demonstrate that generally the internal network will operate satisfactorily for the expected service vehicles entering the development, i.e., an 11.2m Phoenix Duo refuse vehicle. Internally the site will be subject to a 20mph speed limit, with vertical speed reducing features being required to make the 20mph limit self-enforcing.

### **Parking Standards**

73. Policy IN4 sets out requirements for parking provision for new developments and refers to standards set out in the Tees Valley Highway Design Guide. Policy MSG14 of the Neighbourhood Plan sets out similar principles with regards to access, parking and sustainable transport. For example, it states that development will be supported where it can be demonstrated that it will provide safe access which connects to the wider walking and cycling network, will not significantly impact on traffic flows and makes satisfactory off-road parking provision (please see policy for full wording).
74. Parking across the site is generally in accordance with TVDG standards, which require dwellings of up to and including 3 bedrooms to have two in curtilage spaces, with dwellings of 4 or more bedrooms being required to have 3 in curtilage parking spaces. A full appraisal of parking was undertaken for the revised site layout, and this showed that parking for the 18 No Dawson (DWN) 4 bed semi house types only have 2No spaces and are therefore one space short. The applicant has also included visitor parking totaling 43No car parking spaces across the site, and whilst this is welcomed as good practice, it should not be in lieu of allocated in-curtilage spaces.
75. In view of the above, the applicant was asked to address the shortfall associated with the 18 dwellings referred to and provided the following information:

*'Story Homes do always seek to build houses that meet Nationally Described Space Standards (NDSS) wherever it is possible to do so, and the Dawson House Type, as currently submitted, is a 4-bed which is NDSS compliant, although the 4th bedroom is the minimum possible size to meet the standards and invariably isn't used as a bedroom by occupants. Whilst we acknowledge DBC do not have an NDSS policy in their Local Plan or MSG Neighbourhood Plan, given the issue that has arisen with regard to parking standards, we therefore propose to move an internal wall on the Dawson floor plan to reduce the size of the 4th bedroom, so that it no longer functions or would be marketed as a bedroom. The Dawson House Type therefore becomes a 3-bed house which retains its NDSS compliance, and the previous 4th bedroom is marketed by Story Homes as a study or home working office. Being a 3-bed property, only two parking spaces are required, and this would therefore meet the required parking standards. Story homes have had this approach accepted by Stockton Borough Council on our Allens West development (Ref: 22/1084/VARY).'*

76. The applicant submitted an updated Dawson House Type drawing with amended floor plan showing the Study/Home Working Office, and the General Arrangement Plan has been updated to reflect this change. This Highways Engineer has confirmed that the parking requirements across the site have now been addressed.

#### **Culvert/Structures in the highway**

77. An additional drawing has recently been submitted which shows technical details of the existing watercourse which is to be culverted under the internal highway to be adopted as part of a future Agreement Under Section 38 of the Highways Act 1980.
78. The scope of the Tees Valley Design Guide does not cover structures within the highway, and as such it will require separate agreement and technical approval. Early engagement and discussion 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'. The applicant has confirmed that that engagement has commenced with the Bridges Manager in preparation of the intended works and will be picked up in more detail following planning consent as part of the wider s38 Agreement.

#### **Offsite highway works.**

79. As referred to earlier the site access is in the form of a ghost island junction, with provision of footways and pedestrian crossing islands. The detailed design must be in accordance with the DMRB Guidance CD 123 Geometric design of at-grade priority and signal-controlled junctions and to accord with standards required within a 40mph speed limit. The provision of the junction requires widening of the adjacent carriageway, which will be in the form of asymmetrical widening within land to the south of Station Rd which is within the control of the applicant. The taper length will need to be at 1:40 to which to achieve lanes widths of 3.5m will require a taper length of 140m in each direction.
80. Sufficient queuing length must also be accommodated within the right turn lane to ensure traffic turning traffic does not obstruct through traffic. Full width resurfacing of Station Rd will be expected within the extents of the Section 278 works in order to ensure appropriate skid resistance is provided where new slowing and turning movements are introduced to otherwise free flowing traffic conditions. The ghost island junction will need to be delivered prior to occupation of the first dwelling along with footway connectivity via Station Rd in order to provide a safe means of vehicular and pedestrian access, this should be secured by a suitably worded condition.
81. The proposed ghost island layout would require relocation of the existing westbound bus stop on Station Road within the site frontage and a layby has therefore been provided as part of the access design in order to accommodate it. There is some conflict with the location of the nearby eastbound bus stops which will require relocation and potential rationalisation of both eastbound stops. This will need to be further reviewed as part of off-site highway works.

82. An additional footway should be provided across the full site frontage on Station Rd and extend south-eastward from the site access junction to the existing footway which terminates opposite 10 Harpers Terrace. This should be in the standard form of 2.0m bitmac construction and include street lighting as required and advised by the DBC street lighting Engineer. Additional footway links could then be formed to increase pedestrian permeability for instance from the terminus of the road next to plot 64 and the turning head at plot 68-70. A pedestrian desire line is also identified whereby persons living within the north-western corner of the site (plots 4-29) will cut across the open space to access the bus stop rather than walk an additional 230m+ via the site entrance, and the Highways Engineer has therefore recommended the provision of an additional footway link across the open space between trees which can be secured as part of the highway-related conditions. A suitable street lighting design will be required to be submitted for approval and agreement and details of this requirements are included as an informative.

### **Infrastructure Delivery Plan Contributions**

83. Agreement has been reached between the applicant and DBC/National Highways for a S106 financial contribution of £459,885.25 towards offsite mitigation measures as identified in the adopted local plan Infrastructure delivery plan (IDP). This will be used along with other developer contributions to fund schemes needed to ensure the safe and efficient operation of the strategic road network on the section of the A66 between Morton Palms and Little Burdon including the junctions themselves.

### **Sustainable Transport**

84. Policy IN2 seeks to ensure proposals incorporate measures to reduce the need to travel by car through a range of criteria. This includes ensuring access to existing cycling, walking and rights of way network (part c) and contributions to supporting or extending bus services for up to 5 years and towards bus stop infrastructure where sites are not currently served by regular services to ensure 80% or more of the dwellings on the site are within a 400m walking distance of a bus stop served by regular daytime services (part d).

85. Part e of IN2 also sets out that where appropriate contributions will be sought towards a range of sustainable travel measures including safer routes to school and measures to support the travel plan. Therefore, to ensure consistency with these policy requirements contributions should be sought towards the sustainable transport improvements considered necessary by the sustainable transport team.

86. In addition, policy MSG12 requires developments to provide or contribute to the infrastructure requirements that are related to them, with the necessary infrastructure, including improvements to existing infrastructure, made available to serve the development within an agreed timescale.

87. A Travel Plan prepared by Tetra Tech (September 2023) was submitted in support of the application. The document seeks to provide a framework of measures to encourage a reduction in private car usage, an increase in the use of sustainable modes of transport and to improve the overall accessibility of the development. The Travel Plan Officer has confirmed that this is acceptable subject to a condition to secure compliance. A Travel Plan financial contribution is also required in line with the requirements of the Travel Plan Guidance and this is considered further in section (i) of this report.
88. This development site has public transport accessibility; in line with the SPD (supplementary planning document) it is within 400m of a pair of bus stops, these being the St. George's Gate and Sadberge Road bus stops which are served by the number 12 that operates - every 60 minutes during the day, with no evening service Monday to Saturday and no day or evening service on a Sunday. However, the service that is provided i.e., hourly, does not provide the development site with an appropriate level of service, therefore a public transport contribution will be sought to improve this to a half hourly service, the amount of which at the time of writing is to be agreed and will be reported verbally at Planning Committee. This, along contributions made from other developments in the village will be used to improve this existing service.
89. In line with the SPD a sustainable transport contribution will be sought which will be used towards the development of the S&DR walking and cycling route and/or other alternative uses as appropriate to walking and cycling improvements. At the time of writing, the amount is to be agreed and will be reported verbally at Planning Committee.
90. A condition is recommended to secure submission and agreement of details of cycle parking for each dwelling.
91. Subject to the above, the Transport Planning Officer has raised no objections and the proposal complies with policies DC1 and IN4 of the Local Plan and MSG1 and MSG12 of the Middleton St George Neighbourhood Plan in this regard.

e) **Public Rights of Way**

92. The housing allocation statement also states that site layout shall consider the two public rights of way which cross the southern part of the site. This has been addressed in the submitted plans, Policy MSG15 is also relevant and states that the rights of way network will be protected from development unless there is a clear and demonstrable justification for the loss of the route and a suitable alternative route will be provided within an agreed timescale.
93. Two Public Rights of Way (Footpaths No. 3 and No. 4 in the Parish of Low Dinsdale) cross the development site and link into the wider PROW network. With relevance to this planning application these two public footpaths are subject to an ongoing Section 257 public path order (PPO) application under the 1990 Town and Country Planning Act. The updated planning application plan for the public footpaths is only slightly modified from the previous version. The changes appear to focus on the very east end of the

routes where they leave Station Road, the southerly proposed route of footpath 4 and the junction at the west end of the two paths. The changes do not warrant any change in the process of the PPO order and the Public Rights of Way Officer raises no objections. An informative should be placed on any approval to require the applicant to make contact with the PROW officer to provide the amended plan as part of the 257 processes.

94. In respect of the objections regarding the diversions, the applicant has noted:

*'Following ongoing liaison with the Public Rights of Way Officer at the Council, numerous amendments have previously been made to the diverted footpaths to improve the user experience of the amended routes. The most notable of these comments was for Low Dinsdale footpath no 4, which was diverted through a "green corridor" route along the south-eastern edge of the site, through an area of landscaping. The current layout enhances the green corridor within this feature, ensuring that pedestrians continue to benefit from the option of being able to walk through an area of landscaping prior to connecting to the wider PROW network at two locations on the southern boundary of the Site.*

*Low Dinsdale Footpath no 3 is also diverted, via a route that passes through the housing layout and adjacent to properties before also joining the wider network at the southern boundary. To clarify therefore the amendments to the 2 footpaths are necessary to facilitate allocated development and have been a key design consideration to ensure an appropriate balance is reached between delivering necessary housing development and protecting the character of these routes where practical. The practicality of improving green infrastructure is a consideration of Policy MSG4 of the MSGNP and we note there are no objections to the proposed diversions from the Councils new Public Rights of Way Officer'.*

95. In the context of the allocation of the site for housing development and the proposed layout which incorporates the Public Rights of Way, the proposal is acceptable in respect of policies H2, MSG4 and MSG15 in this regard.

**f) Surface Water and Flood Risk**

96. Policy DC2 sets out guidance relating to Flood Risk and Water Management for new development sites in the Borough.

97. The proposed development is situated within Flood Zone 1. The Environment Agency's flood maps highlight several small areas across the site, associated with the water course. SuDs areas are identified within the layout.

98. A Flood Risk Assessment and Drainage Strategy was initially submitted in support of the application which concluded that there is a very low chance of flooding from surrounding watercourses, surface water or groundwater. The Local Lead Flood Authority has raised no objections to the proposed drainage strategy subject to a pre-

commencement planning condition to formally agree a detailed design for the management of surface water runoff from the proposed development.

99. Northumbrian Water has raised no objections subject to a pre-commencement planning condition requiring submission and agreement of a scheme for the disposal of foul water from the development.
100. Subject to the above, the proposal complies with Policy DC2 in this regard and MSG1 in relation to the management of climate change.

**g) Ecology**

101. Policy ENV7 sets out the overarching principles for the protection of sites and features of biodiversity and geodiversity importance. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for. Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks.
102. The requirement for biodiversity net gains is reiterated in policy ENV8 of the Local Plan which also states that this should be demonstrated by using the Defra Biodiversity Metric. The policy sets out the assessment and mitigation process applicants are required to follow. The Environment Act outlines a minimum requirement of 10% biodiversity net gain, but this will not come into force until next year. Policy MSG5 of the neighbourhood plan specifies that proposals are required to demonstrate 10% biodiversity net gains.
103. ENV8 includes for proposals over 100 dwellings the provision of a masterplan, management and maintenance plan showing how the quality of biodiversity features will be maintained in the long term.
104. A range of surveys and assessments of the site were submitted in support of the application. These confirmed the following:
- Site habitats are of local to parish value.
  - No Great Crested Newts are present within waterbodies or the surrounding area on Site.
  - No bats were recorded emerging from any of the buildings at the site during the survey in 2023.
  - Transect surveys recorded relatively low levels of activity, largely attributable to individual foraging bats along the boundaries of the Site. Some bat activity was reported in trees of bat roost potential later in the survey.
  - The site is not suitable for red squirrels.
  - There were no reported sightings of reptiles.
  - An updating checking survey in July 2023 did not record any evidence of otter or water vole along the watercourse.

- The majority of birds recorded during the survey were using the woodland and boundary hedgerows. Species using the fields were limited to a grey partridge close to the northern boundary. A single species, mallard, was recorded using the ponds to the south, which lie outside the Site boundary with regard to Barn Owl, there will be a loss of an existing nesting site, albeit the Ash tree accommodating it is subject to rot and unlikely to have a long-term future.

105. The updated Ecological Impact Assessment (EclA) is considered by the Ecology Officer to be sound, and the methods employed meet national guidelines. The previous ecology consultee response in 2021 acting on stated that further surveys for bats, barn owls, and otters were required, which have all been completed.

106. Within the Key Mitigation of the EclA is a requirement (prior to commencement) for a Landscape and Ecology Management Plan (LEMP) for the site covering a minimum of 30 years, monitoring of the habitats of particular importance in the net gain calculations such as the stream corridor, woodland, native hedgerows, diverse grasslands and SuDS will be undertaken in years 2, 5, 10, 17 and 25. This will assess them against the target condition used in the BNG, and identify remedial measures where required, with monitoring reports and any updates to be submitted to the LPA.

107. The Council's Ecologist is satisfied that the above can be submitted in replacement of the Biodiversity Management and Monitoring Plan (BMMP) which was submitted on the 22<sup>nd</sup> of March 2022. The BMMP is outdated due to the most recent submission of the BNG Metric. An updated version of this document will be required to be submitted which aligns the updated Metric to the BMMP or LEMP. The updated BMMP/LEMP should contain the relevant management and monitoring details for a minimum of 30 years.

108. The EclA outlines the recommendations for mitigation and compensation strategies. Which include the following:

- Existing trees and hedgerows have been retained on site, where possible. Late maturity trees identified in the Arboricultural report for removal, particularly the ash trees, which have potential to be safely retained in areas of greenspace by pollarding to a smaller monolith type form, and which have ecological value, will now be retained.
- Retained hedgerows will be enhanced and new areas replanted to replace those that are lost.
- A landscape buffer will be maintained along the watercourse, with habitats, including SuDS wetlands, within this area to be enhanced to maintain its value as a wildlife corridor. Any bridge/culvert crossing will have an over-sized structure to allow mammal crossing under the road to either side of the stream.
- Bat roosting and bird nesting opportunities will be included within the development.

- Light spill along the watercourse and hedgerow at the site boundaries will be no greater than 2 lux.
- Vegetation clearance/tree felling and building demolition will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ecologist confirms the absence of active nests. Checks for barn owl will be undertaken prior to felling at any time of year.
- Checking surveys will be undertaken of the potential holt site and roost sites prior to the start of works.
- A tree checking survey for bat roost risk will be undertaken prior to the start of works.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.
- Pollution prevention measures will be put in place to ensure that there are no adverse impacts on the watercourse on site or on the reservoirs to the south as a result of construction or operation of the site.
- Retention/creation of green corridors through the site and at the site boundaries to maintain commuting links for wildlife through the site.
- Provision of bat and bird boxes within the retained trees and within 5% of the properties of the development.
- Provision of three barn owl boxes in either retained trees or pole mounted on the western edge of the site, or on nearby land by agreement.

109. The Council's Ecology Officer agrees with the principle of the mitigation proposed and has recommended a planning condition requiring compliance with the mitigation, with some minor additions, as set out below.

### **Landscape Planting**

110. The Council's Ecology Officer has reviewed the plant species listed in the Landscape Masterplan, and the species listed are acceptable, with the exception of the snowberry *Symphoricarpos albus var. laevigatus*. Snowberry is non-native and is known to become invasive within the UK, although not listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) it is argued that the value for wildlife is not high, as the white berries are toxic to many species, and even birds will often ignore them. As such, it is recommended to be removed from the planting schedule. This can be dealt with through a planning condition requiring submission and agreement of a landscaping scheme (amended). The applicant is advised to consider native species, or species such

as flowering redcurrant *Ribes sanguineum*, which although is non-native is not known to become invasive.

### **Biodiversity Net Gain**

111. The on-site baseline Habitat Units (HaU) onsite have been calculated at 30.71 and Hedgerow Units (HeU) are 6.73. Post-intervention the HaU are 33.74 and HeU are 9.81. This is a total net % change of HaU 9.87% and HeU 45.88%.
112. In Policy MSG of the Middleton St George Neighbourhood Plan (2022-2036) it states that 'Development should protect and enhance biodiversity. Proposals should demonstrate how a minimum of 10% biodiversity net gains will be achieved'. The HeU clearly meets the minimum of 10% net gain. The HaU of 9.87% is 0.13% under the minimum net gain requirement, however, with the additional mitigation of the installation of barn owl boxes, bird nest boxes, swift bricks, house sparrow and starling terraces, bat roosting features, hibernacula and refugia for hedgehogs, amphibians, and invertebrates, and hedgehog highways, which are not included in the metric, this provides sufficient net gain to achieve the minor shortfall within the metric.
113. The Key Mitigation of the EclA also states that 'A final BNG calculation will be undertaken following detailed landscape design, and the BNG metric and supporting report provided to the LPA. This should be checked, and updated if required, based on the as-built scheme and again provided to the LPA'. The BNG must be updated if there are any further changes to the design of the site which impacts upon the habitats removed or habitats delivered. This can be secured through an appropriately worded planning condition.

### **Protected species.**

#### **Barn Owls**

114. Barn owls are a Schedule 1 Protected Species under the Wildlife and Countryside Act (1981) as amended, which affords them special protection against intentional or reckless disturbance whilst nesting. Barn owls are site-faithful, highly sedentary, and maintaining continuity of occupation is important for their survival.
115. Barn owl surveys have been undertaken, and a suspected barn owl nest site was located within the hollow of a decaying ash tree, with usage being recorded in 2023. Due to the ash tree having signs of significant ash die back it is likely that this tree will fail long-term resulting in the natural loss of the barn owl nesting location. The buildings onsite have the potential to offer roosting opportunities to barn owls and other birds such as kestrel and little owl.

116. The mitigation as set out in the above bullet points is to install three nest boxes to the western boundaries of the site which would accommodate breeding and roosting barn owls and other species such as tawny owl and kestrel which will utilise larger nest boxes. In addition to these, the Ecology Officer has recommended that at least one little owl box should be installed on the western boundary on a mature tree.

117. The Ecology Officer has recommended a range of conditions to secure the necessary mitigation and to secure the long-term protection of the species.

### **Breeding Birds**

118. Breeding bird surveys have been undertaken onsite in 2016, 2018, and 2023. The majority of the breeding birds observed were using the wooded strip along the watercourse and the boundary hedgerows. The habitats impacted onsite are largely grassland and central hedgerows, as such the wooded strip and boundary hedgerows will remain largely intact. The habitats in the wider landscape as similar to those onsite and as such, it is expected that birds currently occupying the site for breeding and foraging purposes are likely to move out into the wider landscape; with some species continuing to breed onsite in the retain habitats and the enhanced and created habitats.

119. The Landscape Masterplan shows the locations of 8 bird boxes within the riparian corridor. The style of boxes is not discussed within the EclA or in any submitted documents. The Ecology Officer recommends that a higher number of nest boxes are installed within the boundary of the site, with nest boxes also installed to the southern boundary and a range of features for wildlife within the residential area to be installed at the construction stage. These include features for roosting bats, nesting birds (swifts, house sparrows, and starlings), and hedgehogs and a planning condition is recommended to secure submission and agreement of these details.

### **Bats**

120. Bat surveys have been conducted onsite from 2016 through to 2023. Bat surveys have included transects and bat activity surveys on the buildings and the trees onsite. The most recent surveys have been undertaken by E3 Ecology in 2021 and 2023. The surveys conducted are sound and the methods employed meet national guidelines. The compensation strategy outlines that there will be provision of bat boxes within retained trees and 5% of the properties. The Ecology Officer has recommended that a higher number of bat boxes are installed within the new dwellings, and request that this is

increased to 10%, predominantly focused on the properties to the southern and western boundaries close to the hedgerows, trees, and riparian corridor.

- 121.** Whilst the Landscape Masterplan shows locations for 8 bird boxes within the riparian corridor area and location of barn owl boxes on the western boundary, it does not show the location of bat boxes or any other wildlife feature within the redline boundary and the Ecology Officer has therefore recommended a condition requiring submission and agreement of such details.

### **Otter**

122. As only one physical survey for otter was conducted during 2023 the Ecology Officer has liaised with ecologists at E3 Ecology and there is an ongoing static trail camera installed and in use on the watercourse which should assist to establish if otters are utilising the stream for commuting. An overview of the survey results from the camera will be required to be submitted together with a further pre-commencement survey to be conducted prior to any works being undertaken on the site within 30m of the watercourse.

### **Other wildlife**

123. The EclA report acknowledges that hedgehogs are likely to be present on-site. As such, mitigation for hedgehogs will be required. Every dwelling should have hedgehog highways in bordering fences which allow access for hedgehogs to ensure connectivity of habitat for hedgehogs and other smaller wildlife. A series of hibernacula and refugia for hedgehogs, amphibians, and invertebrates should be installed to the southern and western borders of the site. Where trees are removed, the deadwood created should be retained on-site to create the invertebrate/amphibian/hedgehog refugia and hibernacula. A condition has been recommended to secure this.

### **Culvert**

124. A Culvert Crossing Detail drawing has been submitted which details the design of the culvert to be installed. The culvert adheres to the Construction Industry Research and Information Association (CIRIA) guidance and appears to be suitable for otters to utilise. The design of the external aspects of the culvert are to as naturalistic as possible, which should encourage otter to move through the culvert rather than cross over it which should reduce the risk of crossing the road. One of the main causes for otter road casualties is the need to cross the road because access through the riparian corridor is not possible due to barriers. The design allows for a bed depth of 300mm which allows the bed to reform. Planting on the banks by the culvert will help to re-establish cover.

The recommendations from E3 Ecology, of a detailed Landscape and Ecological Management Plan (LEMP) be secured to consider enhancements to the riparian corridor could be included within a Construction Environmental Management Plan (CEMP) or within the Biodiversity Management and Monitoring Plan (BMMP). Subject to inclusion of an additional planning condition for a detailed Construction and Environmental Management Plan (CEMP) both the Ecology Officer and the Environment Agency have raised no objections.

### **Lighting Plan**

125. Due to the risk of increased light spill on retained habitats, which may result in disturbance to foraging and commuting habitats used by a range of wildlife. A sensitive lighting design plan will be required to be submitted for this project to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). This can be secured by a suitably worded condition.

### **Summary**

126. Subject to the above, the Ecology Officer has raised no objections and the proposal complies with policies ENV7 and ENV8 of the Local Plan and policy MSG5 of the Middleton St George Neighbourhood Plan.

## **h) Nutrient Neutrality**

127. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16<sup>th</sup> of 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.

128. 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.

129. 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.

130. 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.
131. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022. Natural England's guidance recommends 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). A standard calculator produced by Natural England works off such an assumption.
132. On behalf of 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 can be taken.
133. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021, and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.
134. 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.
135. 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 will be adopted by each of the various Tees Catchment Authorities.
136. In determining the figure to be used to assess population growth arising from new dwellings with Darlington Borough, 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.

137. 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 (figures 7 and 8 of the ORS report) which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
138. The research shows that for the Borough if we used the baseline period of 2011-2021 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, suggests the highest 5-year average is not a resilient figure and a more appropriate approach would be to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates a gain of 0.98 persons per dwelling.
139. 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.
140. 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.
141. 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 LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
142. The submitted nutrient budget calculator (29<sup>th</sup> September 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 needs to be undertaken. Mitigation measures cannot be considered at the Screening Stage but should be considered as part of an Appropriate Assessment.
143. The applicant has used Natural England's Nutrient Budget Calculator tool for the river Tees catchment to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs used by the applicant within this updated calculator are considered to be satisfactory and are an accurate reflection of the site and its location. This proposal for 260 dwellings would increase the total annual nitrogen load arising by 353.73 kgs per year.

144. This figure was arrived at by incorporating increased water efficiency measures to reduce the water usage per person per day to 110 litres rather than 120 litres that Natural England advise should be used in the Nutrient Budget calculator. A condition must be applied to any permission granted ensuring that the water efficiency measures including the appropriate fittings are installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 110 litres.

145. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 353.73 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 353.73 kgs that needs to be mitigated. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. This should set out that prior to the occupation of the proposed dwellings the final signed credit certificate needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and in place. The Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

146. An Appropriate Assessment has found that the proposed mitigation measures would 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. Therefore, it can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to the application of the required conditions set out above. Natural England has been consulted and has raised no objections subject to the mitigation being secured.

## **j) Developer Contributions**

147. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

148. The agreed Heads of Terms proposes the following:

- Education contribution of £362,628 (one third to be paid prior to the occupation of 25%, 50% and 75% of the dwellings).

- £10,000 towards research and interpretation of the former Stockton and Darlington Railway to be paid prior to the occupation of the first dwelling.
- Sustainable Transport Contribution to be used towards the development of the S&DR walking and cycling route and/or other alternative uses as appropriate to walking and cycling improvements (amount and trigger to be agreed).
- Public Transport contribution to be used to improve bus service number 12 (amount and trigger to be agreed).
- A financial contribution of £459,885.25 towards offsite mitigation measures as identified in the adopted local plan Infrastructure delivery plan (IDP). This will be used along with other developer contributions to fund schemes needed to ensure the safe and efficient operation of the strategic road network on the section of the A66 between Morton Palms and Little Burdon including the junctions themselves. (triggers to be agreed).
- Travel plan contribution made up of £2,850 travel plan monitoring fee; £300 per household personalised travel advice fee; and £200 per household travel plan implementation bond (the implementation bond would be repayable on successful completion of the travel plan for its full term) in accordance with the Council's Travel Plan Guidance document.
- A Landscape Management Clause would be included in the agreement.

149. The developer has agreed that 20% affordable housing will be provided on-site and that this will be dealt with by way of a planning condition.

150. The above were considered with reference to the Planning Obligations SPD and in close liaison with internal consultees. 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.

#### **k) other matters**

151. The site is located in a gypsum (deep) safeguarding area protected by policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011). The policy sets out the circumstances when non-mineral development will be permitted in these mineral safeguarding areas. Much of the southwestern part of the borough is covered by this designation. This proposal is considered to comply with part c of the policy, which states that, the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource. The site is an allocation for housing in the Local Plan and forms part of the Council's housing land supply and therefore required to contribute towards the achievement of the Council's housing requirement. Extraction prior to development would also potentially result in the site being unsuitable for residential development which it is allocated for and there is a significant safeguarded area for gypsum remaining in the Borough.

152. Policy IN8 of the Local Plan requires this proposal to ensure that broadband connectivity and ducts are provided for the development. Policy IN8 of the Local Plan requires this proposal to ensure that broadband connectivity and ducts are provided for

the development. The applicant has confirmed that each of the dwellings across the site will have Openreach and Grain Fibre installed and will therefore be able to facilitate broadband access. A suitably worded condition is recommended to secure submission and agreement of details to secure implementation of this.

153. Parts b and c of Policy DC1 of the Local Plan also require proposals to demonstrate that the layout, orientation and design of buildings helps to reduce the need for energy consumption, how they have been made energy efficient and how measures have been implemented to reduce carbon emissions from the development. Policy MSG3 also sets out that developments which embed a commitment to sustainable design and construction will be supported.
154. The information submitted to support the application confirms proposed dwellings will be designed to comply with the latest building regulations. Some house types have been updated from previous iterations of the layout to ensure full compliance with Part L. All dwellings will meet the requirements of the new Approved Document Part O: Overheating and achieves these reductions via passive design. Internally, the accommodation has been laid out to maximise the internal space and light afforded. Each of the principal living rooms will have sufficient glazing to allow natural light to penetrate the rooms, reducing the need for artificial lighting. All house types are part L compliant within this layout. Story Homes have undertaken analysis of the revised house types against building regulations with semi-detached properties achieving circa 1.3% reduction in carbon emissions over Part L 2021, detached properties achieve a 2.34% reduction. Refuse and recycling storage is incorporated into plot designs with bin collection areas used for waste collection.
155. Policy IN4 sets out a requirement that every new residential property which has a garage or dedicated marked out residential car parking space within its curtilage should include an electrical socket suitable for charging electric vehicles. The minimum requirement would be a single phase 13-amp socket. Each of the properties would be fitted with a E. ON Drive EVC04 EV charging points, with full handover packs provided including user manuals to all new residents. Compliance with this commitment should be secured by planning condition.
156. Policy DC5 of the Local Plan seeks development proposals such as this which generate a significant number of construction phase jobs to secure appropriate commitments and targets for employment skills and training, including apprenticeships.
157. In respect of the above the developer has indicated that within the Story Homes Office there will be a range of employment opportunities which will be made available to local people. New job opportunities and skills development courses will be offered to local people, with successful candidates selected regardless of background, creed, or class. Once employed, members of staff have the opportunity to access training (internally and externally) to enhance and broaden their skillset.
158. Management training is available. Story Homes is committed to the training of young people within the construction industry and its related sectors. Training and

apprenticeships are going to be a key focus for us moving forward so that the business can develop people to grow with the business. Through their apprenticeship, apprentices gain the technical knowledge and will be required to spend 20% of their working hours off-the job training with the use of an approved training provider. As a company Story's have mentoring policies and procedures and a dedicated Learning and Development Team who will drive forward the training and apprenticeship opportunities, providing specific support allowing them to develop their skills.

159. The proposed development will provide real opportunities for local employment with equal opportunities provided for all members of the local community and prioritisation of youth skill development for local people. Story Homes has several potential and existing development sites within the Borough and has confirmed it will be looking to work closely with local colleges, other Higher Education Providers and Construction Industry Training Providers to support training and apprenticeships in the region. This will extend to working with our sub-contractors to stimulate training and apprentice opportunities during the lifetime of the project. The proposed development will therefore benefit the local economy and community with the employment and training opportunities to be offered on site.

160. Policy DC3 sets out a requirement for schemes of 150 dwellings or more, the submission of a Health Impact Assessment as part of the application to explain how health considerations have informed the design. Assessments should be proportionate to the scale of development proposed and undertaken in line with current government guidance. 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.

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

161. 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**

162. In summary, the principle of development of this site is acceptable given that it has been identified as a housing allocation in Local Plan policy H2. The proposed development complies with the relevant policies in the development plan and has an acceptable impact on heritage assets. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology, flood risk and drainage and residential and visual amenity.

## RECOMMENDATION

THE CHIEF EXECUTIVE 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:

- i) STRATEGIC NETWORK IMPROVEMENTS.
- ii) EDUCATION CONTRIBUTION
- iii) PUBLIC TRANSPORT CONTRIBUTION
- iv) SUSTAINABLE TRANSPORT CONTRIBUTION
- v) TRAVEL PLAN CONTRIBUTION
- vi) FORMER STOCKTON AND DARLINGTON RAILWAY CONTRIBUTION.
- vii) LANDSCAPE MANAGEMENT CLAUSE

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

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE 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.

1. A3 Implementation limit (3 years)

2. PL Accordance with plan

- Site Location Plan PLN1 Rev C
- Layout Plan/General Arrangement 30020 PLN GA Rev L
- Branford A20.1 M42 PD
- Butler A20.1 PD
- Cranford A20.1 M42 PD
- Dawson A20.3 PD – updated December
- Ferguson A20.1 PD
- Fraser A20 PD
- Harrison – A20.1 PD
- Hartford M42 A20.1 PD
- Langford M4 2 A20.1 PD
- Milford M4 2 A20.1 PD
- Newford A20.1 PD
- Sanderson A20.1 PD
- Stanford NDSS M4 2 A20 PD
- Sutton A20.1 PD
- Wilson A20.1 PD

- PLN 3 Basic EFBT Rev D
- PLN 5 Noise Mitigation Plan Rev D
- PLN 8 Indicative Adoption and Management Plan Rev E
- PLN 9 Affordable Unit Plan Rev E
- PLN10 PROW diversion plan rev E
- PLN11 Key Pedestrian Route plan Rev D
- Landscape Strategy Masterplan – P21- 0714.001 L
- LVIA – P21- 0714.002 C
- Proposed Materials Palette PLN SCH2 – Rev A – September 2023
- Culvert Crossing QD2079 FW 04 18 Rev B
- Surface Water Management Plan SH SWM Rev B
- Engineering Layout QD2079 -03-01 - A
- External Works Sheet 1 QD2079 -04-01-B
- External Works Sheet 2 QD2079 -04-01-A
- External Works Sheet 3 QD2079 -04-01-A
- External Works Sheet 4 QD2079 -04-01
- FRA DS 20075 Station Road MSG V1
- QD FRA Addendum – October 23
- QD Drainage Calcs SW 08 09 23
- QD Drainage Calcs FQ 08 06 23
- Road Sections Sheet 1 QD2079 – 05 -01
- Road Sections Sheet 2 QD2079 – 05 -02
- Impermeable Areas QD2079 – 03 -02
- Manhole Schedules QD2079 – 03 -03
- Engineering Layout QD2079 – 03 -01 B

3. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 2 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

4. B4 External Materials
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing (excluding demolition and site access work) and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

6. E3 Landscaping (Implementation)
7. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement and PLN7 Tree Protection Plan Rev E (Brindle & Green, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the areas of the trees.

- a) The raising or lowering of levels in relation to 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 – To ensure a maximum level of protection to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

8. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted plans.

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

9. The boundary treatment for each dwelling as specified on the submitted drawings (30020.PLN.EFBT Rev D), shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

10. The development shall not begin (excluding demolition and site access works) until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning

Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units.
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved).
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy

11. No development (excluding demolition and site access works) shall commence until details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interests of visual and residential amenity.

12. Prior to the first occupation of any dwelling nearby approved the applicant will:

Submit the details of and then, once subsequently agreed with the LPA install, a suitable ventilation strategy for the houses shown to require it on the Storey Homes Northeast Drawing No. 30020.PLN.NOI Revision D submitted with the application.

The ventilation strategy must (as a minimum) allow the building to be ventilated in accordance with the appropriate building regulations without the need to open a window. Future residents should however retain the ability to open a window to provide purge ventilation if they choose to do so. The proposed ventilation strategy must, when providing whole dwelling ventilation, not exceed noise levels of:

- 26dB  $L_{Aeq, nT}$  in bedrooms, and
- 30 dB  $L_{Aeq, nT}$  in living rooms.

when measured according to BS EN ISO 16032

And when providing extract ventilation, sound from any type of mechanical ventilation system shall not exceed:

- 26 dB  $L_{Aeq, nT}$  in bedrooms, and
- 35 dB  $L_{Aeq, nT}$  in living rooms, and
- 45 dB  $L_{Aeq, nT}$  in kitchens, sanitary accommodation and bathrooms when measured according to BS EN ISO 16032.

The approved strategy must be thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the first occupation of plots 1 and 256 on Drawing No. 30020.PLN.NOI REVISION D submitted with the application, the applicant will install the required noise mitigation measures around garden areas in plots 1, and 256 as shown to be required in the njd noise assessment dated August 2023 reference NJD21-0037-001R/R3 submitted with the development.

REASON – In the interests of residential amenity.

14. Prior to the commencement of the development, a site-specific Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
  - a) The dust emissions mitigations measures set out in Table 6 of the njd Air Quality Assessment shall be implemented as part of the CMP.
  - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
  - c) Construction Traffic Routes, including parking areas for staff and visitors.
  - d) Details of site where the site compound and construction staff welfare facilities will be situated, loading and delivery areas, any temporary site lighting, and the proposed build route through the development.
  - e) Details of wheel washing for site vehicles.
  - f) Road Maintenance.
  - g) Warning signage.
  - h) 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 in complete accordance with the approved Plan.

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

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

REASON – In the interests of amenity.

16. Prior to the first occupation of the development, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

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

17. The proposed water efficiency measures including the appropriate fittings shall be installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 110 litres and shall be maintained as such thereafter.

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

18. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and 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.

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

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

ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

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

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

21. The development hereby approved shall not be commenced (excluding demolition and site clearance), until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details: • Detailed design of the surface water management system; • A build program and timetable for the provision of the critical surface water drainage infrastructure; • Details of adoption responsibilities.

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

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 26th March 2022/Addendum FRA dated 2nd of October 2023 and the following mitigation measures detailed within the FRA.

Discharge to Watercourse restricted to 49.87 l/s 4060m<sup>3</sup> of storage provided.

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.

23. The buildings hereby approved shall not be brought into use until: -

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

24. Development shall not commence (excluding demolition and site clearance) until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

25. Prior to the commencement of the development (excluding demolition and site clearance) precise details of offsite highway works must be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed 'Ghost Island' Junction access in accordance with DMRB CD123 along with details of footways which link to the surrounding cycling/pedestrian infrastructure. The agreed works must be completed prior to occupation of the first dwelling.

REASON - In the interests of highway safety.

26. Prior to the commencement of the development (excluding demolition and site clearance) precise details of traffic calming features within the development required as part of the implementation of a 20mph speed limit, must be submitted to and approved in writing by the Local Planning Authority.

REASON - In the interests of highway safety.

27. Prior to the commencement of the development precise details of each phase of the development (phasing plan) must be submitted to and approved in writing by the Local Planning Authority. Details shall include vehicle and pedestrian connectivity to surrounding infrastructure, with turning facilities sufficient to accommodate an 11.2m refuse vehicle.

REASON - In the interests of highway safety.

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

REASON - In the interests of highway safety

29. Prior to the occupation of the development, a plan to show details of pedestrian / cyclist crossing points within the development, shall be submitted to and approved in writing by the Local Planning Authority. The crossing points shall be constructed in accordance with the approved details prior to the occupation of the development and shall remain in place thereafter.

REASON – In the interests of highway safety.

30. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and always retained for their intended purpose.

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.

31. The development shall not be carried out otherwise than in complete accordance with the submitted Travel Plan (Proposed Residential Development Station Road, Middleton St George Travel Plan Report No. 784-B048157/ 2, Tetra Tech, September 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

32. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

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

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

34. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

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

35. Prior to the commencement of the development an updated 30-year Biodiversity and Ecological Management Plan (BMMP) or a Landscape and Ecology Management Plan (LEMP) 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 approved 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.

36. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Impact Assessment (Station Road Middleton St George, E3 Ecology, September 2023) (except in respect of the number of barn owl and bat and bird boxes which should exceed the numbers proposed with details to be submitted as part of an overall wildlife features plan (condition 40)) 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.

37. On submission of the final landscape design required by condition 6, a final BNG calculation will be undertaken and the BNG metric and supporting report provided to the LPA for approval.

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

38. Development works to which the consent applies must not take place; between 1st March and 31st August or at any time while barn owls are nesting and until temporary alternative provision has been made in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority. If development occurs during barn owl nesting season, then a check of potential nesting sites must be conducted prior to any works being undertaken.

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

39. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of barn owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which the consent applies) within 3 days of work commencing.

REASON – To ensure that nesting barn owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act (1981).

40. Prior to the commencement of development, a Plan outlining the wildlife features (to include bat, bird and barn owl boxes as well as hedgehog highways and a series of hibernacula and refugia for hedgehogs, amphibians, and invertebrates to the southern and western borders of the site) shall be submitted to and approved in writing by the LPA. The Plan should be reviewed by an appropriately experienced

ecologist prior to submission. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwellings 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.

41. Within 3 months of completion of all of the relevant dwellings a report from an appropriately qualified ecologist confirming that all wildlife features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the LPA. In the interim, photographic evidence will be provided to the Council ecologist for dwelling specific wildlife features prior to the occupation of each dwelling for information purposes unless otherwise agreed in writing with the LPA.

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

42. Prior to the commencement of the development otter survey results from installed cameras shall be submitted to the Local Planning Authority for review. A pre-commencement survey should be conducted prior to any works being undertaken on the site within 30m of the watercourse and a report sent to the Local Planning Authority for approval.

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

43. A sensitive lighting design plan shall be submitted prior to the commencement of the development (excluding demolition and site access work) or within such extended time as may be agreed in writing by the Local Planning Authority. The plan shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Dark corridors should be mapped out and included within the lighting plan. All external lighting shall be installed in

accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON – To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

44. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the local planning authority and the Environment Agency for review and approval. The CEMP should include:

- A detailed biosecurity plan which includes a biosecurity protocol to prevent the introduction of crayfish plague, signal crayfish, and other invasive non-native species to the site.
- Pollution prevention measures to address the risk of siltation to the watercourse during construction of the site, including the construction of the culvert.
- A species protection plan for white-clawed crayfish (WCC), consisting of a pre-works check methodology, toolbox talks for contractors prior to any/all works around the watercourse, and a procedure to follow in the event WCC are encountered during the works. This should be developed by a licenced WCC ecologist and informed by a survey.
- A scheme for the long-term management of the landscape buffer around the watercourse within the development site. Once agreed, the CEMP should always be available on site so that it can be referred to by contractors.

REASON - No CEMP has been submitted to support this application. This raises risks of mitigation measures going unimplemented during construction of the development and therefore of an offence being committed under the Wildlife and Countryside Act (1981, as amended)

## **INFORMATIVES**

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

An appropriate street lighting scheme and design to cover the new internal highways and where appropriate proposed amendments to the existing arrangements (Section 278) 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.

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.

The applicant is advised that the implementation of a new 20mph speed limit on the internal site will be required and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter. Bus stop amendments.

The applicant is advised that further discussions will need to take place in relation to the proposal to relocate the bus stops within the vicinity of the site, contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

Section 59 The Developer is required to enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter Regards, Arthur Arthur Howson Engineer - Highway Development Control.

The developer will need to provide a detailed program including timetable for the construction of the main surface water drainage infrastructure.

- The build programme/Gannt chart should include the following activities and sequence they should be undertaken:
  - Outfall connection
  - Control device
  - Provision of 30-year storage
  - Provision of 100 year plus climate change storage
  - Commencement of landscaping It is the duration and order of each activity rather than the commencement date that is required by the LLFA.

Land drainage consents will be required from the Lead Local Flood Authority (LLFA) for the two outfalls into Neasham Stell and culverting works required to access the Northwest parcel of the development. A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA – NOTE – Application has been received by LLFA and is being duly processed.

FRA makes reference to Sewers for Adoption; this legislation has been replaced by “Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England (“the Code”)” (DCG). Version 2.1 25 May 2021.

Drawing QD2079-03-01 within the FRA Addendum requires amendment to “Pond B” Water Level calculation (100 YEAR +40%) It is recommended that the applicant contacts the Lead Local Flood Authority (LLFA) at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for any new development.

### **Public Rights of Way**

The applicant is advised to make contact with the PROW officer to provide the amended plan as part of the 257 processes.

### **Construction run-off treatment scheme – advice to applicant**

We advise that a Construction Surface Water Management Plan should be produced. The plan should include, but not limited to, the following:

- Treatment and removal of suspended solids from surface water run-off during construction works;
  - Approach to ensure no sewage pollution or misconnections.
  - Approach to ensure water mains are not damaged during construction works.
  - Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill.
  - Consideration of the impact on the WFD status of the receiving waterbody.
- Mitigation measures should be in place to ensure no deterioration of receiving waterbodies.

### **Water Quality Permit Requirements - advice to applicant**

You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all of the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions here. If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here, the linked page also provides contact information should you need assistance.

### **SuDS - advice to applicant**

We are glad to see that the applicant plans to include Sustainable Urban Drainage Schemes in their application. Below is further information about SuDS.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal and encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high-water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS

### **Water Resources - advice to applicant**

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g., a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

### **Protected Species – advice to applicant.**

Please be aware that it is the developer's responsibility to ensure that nesting barn owls and their dependent young are not disturbed during development works. If development occurs during barn owl nesting season, then a check of potential nesting sites must be conducted prior to any works being undertaken.

The applicant is advised that an immediately pre-development barn owl survey is necessary to avoid an offence being committed under the relevant legislation.

If barn owls are nesting onsite, it is the developer's responsibility to ensure that barn owls are not disturbed during development works. On-site protection measures may be necessary, including the establishment of on-site exclusion zones with the use of fencing and signage.

The barn owl nesting boxes shall be provided for barn owls within 200 metres of the development site. This provision must be kept free from disturbance and remain in place, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.