

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9th April 2025

APPLICATION REF. NO: 21/00380/RM1

STATUTORY DECISION DATE: 27th July 2021 (EOT 11th April 2025)

WARD/PARISH: SADBERGE & MIDDLETON ST GEORGE

LOCATION:
Field At OSGR E435307 N513463 Yarm Road
MIDDLETON ST GEORGE

DESCRIPTION: Application for reserved matters approval relating to appearance, landscaping, layout and scale for the erection of 96 dwellings and associated works attached to outline permission 17/01195/OUT dated 30 May 2019 (Outline planning application for the erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School)

APPLICANT: BELLWAY HOMES LIMITED

RECOMMENDATION: GRANT RESERVED MATTERS SUBJECT TO CONDITIONS (see details below)

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=QR6M5LFP0C200>

APPLICATION AND SITE DESCRIPTION

1. The application site is located on the eastern side of Middleton St George to the south of the railway line and Yarm Road. The site comprises of grassland and is bound by trees and hedgerows. The site is bound by Yarm Road and a housing development to the north, a

former logistics commercial site and agricultural land to the west, a retirement village to the south and agricultural land to the east.

2. The application is for reserved matters approval relating to the appearance, landscaping, layout and scale for the erection of 96 dwellings and associated works attached to outline permission 17/01195/OUT (outline planning application for the erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School).
3. The Yarm Road Site covered by the above outline permission is divided into three Areas: (i) Area A & The Primary School Land: the central development parcel, west of Middleton Back Road including the land reserved for a One Form Primary School. (ii) Area B: the western most development parcel with the existing Public Right of Way forming the eastern boundary. (iii) Area C: the eastern most development parcel, east of Middleton Back Road. This application relates to area C and is submitted by Bellway Homes.
4. The Council is also considering a separate reserved matters application (21/00475/RM1) for the phase associated with area B of the outline permission, which is submitted by Avant Homes, and which appears elsewhere on this agenda.
5. Another pending application for Area A (the retail area) (21/00508/RM1) is awaiting amended plans to coincide with the access arrangement currently being considered and will be determined at a later date.
6. These reserved matters application were submitted pursuant to the above outline application in April 2021, however determination was elongated due to the issue of Nutrient Neutrality which was not considered as part of the outline consent. Recent court rulings and government advice have advised that planning applications at any stage must address the issue of Nutrient Neutrality even if it was not considered at the outline planning stage.
7. As a result of the above, comprehensive updates were made to both the Avant RMA and Bellway RMA in June 2024 to provide details of the proposed Nutrient Neutrality mitigation approach as well as bring the supporting information up to date given the time that had passed. Both Applicants propose to purchase off-site Nutrient Neutrality credits for an established scheme situated in Nunthorpe from a private provider. The combined Nutrient Neutrality mitigation cost equates to £1,117,570, a cost that was not factored into considerations at the Outline Consent stage. A planning condition is proposed for both the Avant RMA and the Bellway RMA requiring submission of the final Nutrient Neutrality Certificate which provides confirmation that the required number of off-site Nutrient Neutrality credits have been purchased prior to the occupation of any dwellings. This is considered further within the following sections of this report.

8. The application puts forward the inclusion of:
 - The provision of 96 dwellings across a range of 3-bedroom, 4-bedroom and 5- bedroom house types, built to the latest Building Regulation standards;
 - A green infrastructure-led residential development catering to local housing needs;
 - Retention of structural landscaping (where possible);
 - Provision of a Sustainable Urban Drainage area; and
 - Sustainable connections to the wider Yarm Road site and Middleton St George community.
9. This submission is solely to consider those matters within the scope of condition 1 relating to layout, scale, appearance and landscaping. 41 other conditions were attached to the outline consent. The developer has submitted several discharge of condition applications to deal with specific conditions including off-site highways, surface water drainage and trees attached to 17/01195/OUT. Although they are being consulted on the technical requirements of the above conditions, technical consultees have also been consulted on the matters within the scope of this application to ensure that it complies with their requirements. A planning submission for discharge of condition 6 relating to the details of affordable housing was also previously approved under planning permission reference numbers 19/00596/CON and 20/00245/CON. It should be noted that the type and distribution of affordable housing is not for consideration as part of this application which deals solely with the reserved matters but instead the detail of such is controlled by condition 6 of the outline permission.
- 10. Although the issues as covered by planning conditions are clearly interrelated, the separate mechanism to agree the technical details subject of the 41 planning conditions, should be noted and is not for specific consideration as part of the reserved matters submission and the discharge of these conditions should not prevent the approval of the reserved matters submission which deals solely with matters of layout, scale, appearance and landscaping.**

RELATIONSHIP OF THIS RESERVED MATTERS APPLICATION TO THE SITE AND NEIGHBOURING PHASES

11. The proposed development has been designed to complement the neighbouring site (21/00475/RM1 dealt with elsewhere on this agenda) in terms of layout, connectivity and scale, as required by the Outline Consent. To this extent, an illustrative joint site layout plan was submitted in support of the application to demonstrate that the development provides suitable connections with the neighbouring site to deliver a comprehensive strategic development which has been designed in accordance with the approved plans of the outline consent.
12. The delivery of both residential phases represents a significant proportion of the Yarm Road strategic development approved as part of the Outline Consent. Nevertheless, it is recognised that the two RMAs together do not, in combination, represent the full Yarm Road strategic development as approved by the Outline Consent. The area between both

residential phases, apart from the access road, is not included within the redline boundary of either RMA. The area in question is earmarked for a retail area, school, high density apartment and a green infrastructure corridor, as approved as part of the Outline Consent.

13. The Applicants of both residential phases (21/00380/RM1 & 21/00475/RM1) are not the landowner, nor do they have legal control, over the area in question. As such, the Applicants have no ability to influence the future development of this land, nor do they have any further information on the landowner's intentions or timescales.
14. Notwithstanding this, both RMAs have been designed in a way that can accommodate the future development of the area of land in question and do not prejudice its future delivery. Therefore, the vision of the Yarm Road strategic development can still be realised but both Applicants confirm that they are not able to provide any further information on the timings of this area of land as it is not within their control. In short, the collaboration between both Applicants ensures synergy between the design and infrastructure delivery of both residential phases (21/00380/RM1 & 21/00475/RM1) to maximise community benefits and secure the delivery of housing without comprising the ability for the remainder of the Yarm Road Strategic site to be delivered. In this respect it should be noted that any further proposals in this regard would need to be the subject of future planning applications which, if submitted, will be subject to scrutiny at the appropriate time.

MAIN PLANNING ISSUES

15. The issues for consideration relate only to the reserved matters set out in condition one of the outline planning permission (17/01195/OUT) under which the principle of the development of the site is established. These are:
 - a) Layout
 - b) Scale
 - c) Appearance
 - d) Landscaping
16. Interrelated with the above issues are the following considerations.
 - e) Residential Amenity
 - f) Highway safety and sustainable transport
17. In the light of the later issue of nutrient neutrality brought about by the designation of the Teesmouth and Cleveland Coast Special Protection Area, the following issue is also relevant.
 - g) Nutrient Neutrality
18. An interrelated issue aside from the internal layout as considered in points a-d, is off-site highway works.
 - h) Off-site highway works.

PLANNING POLICIES

19. The site has outline consent as above and is now included in the Local Plan as a housing commitment and therefore the issue of the principle of the development is not for consideration. The following policies are relevant in the determination of this application.

National Design Guide (2019)

Local Plan (2016-2036)

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H1: Housing Requirement

H4: Housing Mix

H5: Affordable housing

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

Middleton St George Neighbourhood Plan (2022)

MSG1: Sustainable development

MSG2: Design

MSG3: Embedding energy efficiency and renewable energy.

MSG4: Green Infrastructure

MSG5: Biodiversity

MSG9: Housing mix

MSG12: Infrastructure

MSG14: Transport and new development

MSG15: Rights of Way

Design of New Development SPD (2011)

Planning Obligations SPD (2013)

RESULTS OF TECHNICAL CONSULTATION

20. No objections in principle have been raised by the Council's Highways Engineer, Transport Policy Officer Environmental Health Officer, Local Lead Flood Authority, Ecologist, or

Natural England subject to conditions. Teesside International Airport has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

21. Eleven objections to the latest iteration of the application have been received from residents, raising the following concerns:

- *Impact on highway / pedestrian safety.*
- *Development is too large, infrastructure unable to accommodate the increase in traffic.*
- *Impact on the environment / net zero / traffic pollution.*
- *Loss of open fields.*
- *Impact on rural character of the village.*

22. Middleton St George Parish Council has indicated that they do not object to the proposal but would like consideration given to the following issues:

- *Consideration should be given to matters that could be addressed as part of a Section 106 agreement, as follows: Impact on infrastructure within the village, school capacity, primary care health services and utilities infrastructure, including sewage and drainage systems. Section 106 funding should also be considered (in addition to the above requirements) to: -Improve the road surfaces in the centre of Middleton St. George and traffic flows in the centre of Middleton St. George. -To review parking restrictions and parking capacity in the centre of Middleton St. George to avoid congestion. -Footpaths and lighting are needed on both sides of the road from the village centre to the new developments and on to the Virginia Estate. - Consideration should be given to the safety of pedestrians walking from Middleton Hall to the centre of the village given the increased traffic flows from the developments. -The Public Right of Way between Killinghall Row and Bellevue Terrace requires upgrading. CCTV installed at the Woolsington Drive and Yarm Road intersection facing up Yarm Road to combat speeding traffic down Yarm Road.*
- *See this as a significant and major development which will impact on the centre of the village and how it works in terms of pedestrian and traffic flows and have concerns regarding condition of road surfaces and footpaths to sustain this major expansion to the village. Concerns regarding degraded quality of the road surface of Middleton Lane between the village square and the Neasham Road junction and the condition of the footpath along the whole of Middleton Lane in general.*
- *Concerns regarding linkages from the development to existing infrastructure.*
- *Concerns regarding traffic volumes and pedestrian safety.*
- *The path through Chapel Street to the village, which is already congested with parking on both sides of the road often encroaching on the pavements, will create more pedestrian footfall particularly in terms of access to the school and the railway station and Bus stops. Consideration is needed on the adequacy and condition of the footpaths between Chapel Street and the centre of the village.*

- *Consideration should also be given to a pedestrian crossing at the junction of Middleton Lane and Neasham Road/ Station Road and the resolution of the current issues around the school crossing.*
- *The area between the two developments (to the east of the 21/00475/RM1 development) is presumably set aside for further development. We understand that this is for a school or retail units. Should this not transpire we would urge consideration for the creation of a multi-use games area or an area to promote health and wellbeing activities.*

PLANNING ISSUES/ANALYSIS

a) Layout

23. Layout in planning legislation is defined as the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside of the development.
24. The quantum of development provided within the proposed RMA is marginally lower than that originally distributed to Area C (6 No. dwellings fewer) but largely in line with the broad principles of the approved illustrative masterplan. It should be noted that, as set out in the introduction to this report, both area C and B (dealt with elsewhere on this agenda under reference number 21/00475/RM1) contains the full quantum of dwellings approved by the outline consent. No further RMA's can be submitted for any part of the site as per condition as the time for submission of RMA's as set out in the outline permission, has now time expired. Given the above, the proposal accords with the numbers set out in the outline permission, albeit involving a redistribution.
25. The outline planning permission included an illustrative layout and design and access statement setting out some development principles, which included the location of a SUDs basin to the southwest corner of the site and the position of an access road from Middleton Back Road and Yarm Road with a series of secondary internal roads.
26. The submitted RMA accords with the above principles except for the access onto Middleton Back Road, which is no longer proposed. However, the key east-west pedestrian link onto Middleton Back Road is provided.
27. The submitted RMA seeks approval for a reduced open space distribution. The area identified as 'the green' on the illustrative masterplan is not included within the proposed development due to the need to provide new houses that comply with the latest Building Regulations and DBC's parking standards. The proposed development is at the lower end of the density scale envisaged which demonstrates the efforts to accommodate the development in a well-considered and sensitive manner. The reduced density is further highlighted by the reduced quantum of development from the Outline Consent.
28. Dwellings are situated around the sites access road, comprising a series of service roads derived from the main access taken from Yarm Road. This internal road layout incorporates

shared surfaces and private drives with the aim of ensuring that the development is not dominated by motor vehicles.

29. The dwellings are orientated to address the road network, with areas of garaging / parking to the front / side and amenity areas extending to the rear of properties. Combined with satisfactory landscaping and boundary treatment the layout will reflect the semi-rural nature of this part of the village.
30. Open space / SuDs infrastructure is provided with dwelling orientation avoiding backing onto these areas, instead using side and front elevations to maintain an appropriate level of natural surveillance over these areas.
31. A reduced landscape buffer is proposed along the northern boundary, but this is necessary to accommodate the required visibility splays for the new vehicular access which is recognised on the Illustrative Masterplan (Reference: Y81.1054.05 Revision D). The area of existing vegetation along the southern and eastern boundaries has been retained.
32. In terms of connectivity, the proposal provides a pedestrian link to the Avant scheme on the west site of the site via Middleton Back Lane and footpaths and crossings to be provided north onto Yarm Road as part of the off-site highway works, providing a continuous link to Yarm Road, prior to occupation of the dwellings.
33. In conclusion, officers consider the layout of the development is compliant with the outline consent and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

b) Scale

34. Scale, in planning legislation, is defined as the height, width and length of each building proposed within the development in relation to its surroundings.
35. The dwellings would broadly relate in scale to the existing housing within the locality. In addition, the density of the proposed development is considered to comply with the outline consent (the outline consent set out a range of between 20-40 dwellings per hectare and the layout proposed involves a density of 22.9 which is within the range and therefore compliant with the outline).
36. The development provides a selection of two-storey, detached and semi-detached dwellings across a range of 3-, 4- and 5-bedroom house types including a mixture of either single storey detached or integral garages which is again consistent with other neighbouring development and the principles of the Design SPD.
37. In conclusion, officers consider the scale of the development is acceptable and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

c) Appearance

38. Appearance, in planning legislation, is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
39. External materials include a mixture of Ibstock Grainger gold with contrasting bricks, Ibstock Grainger Antique contrasted with a smooth red, and natural mortar. Roof treatments are a mix of Marley modern smooth grey and Mendip old English dark red. The various designs include features such as brick lintels, contrasting brick, front canopies, detailing, projecting gables, bay windows and small dormers.
40. Consideration has been given to allow variety in the design of dwellings whilst achieving coherence to the development. The proposed buildings are similar in appearance to some of the more modern developments to the north of the village. The appearance of dwellings is suitably varied with respect to roof forms / treatment, materials and detailing contributing to high quality design and promoting legibility through the development.
41. In conclusion, officers consider the appearance of the development is acceptable, promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

d) Landscaping

42. Landscaping, in planning legislation, is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: screening by fences, walls or other means; the planting of trees, hedges, shrubs, or grass; the formation of banks, terraces or other earthworks; the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and, the provision of other amenity features.
43. The Landscape Softworks plans highlight a diverse landscape strategy to introduce a variety of greenery across the proposed development including the use of tree planting, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. The Landscape Softworks plans demonstrate the proposed development will deliver a verdant and pleasant environment for future residents, also softening the development when viewed from outside of the site. The landscaping is broadly compliant with the indicative masterplan at outline stage and the strategy is therefore in line with the outline consent.
44. An Arboricultural Method Statement has been produced to reflect the changes made to Site Layout Plan and provide the necessary information to discharge the requirements of the Outline Consent. Appendix 3 of the Method Statement includes the Tree Protection Plan which highlights that some of the existing hedgerow on the western, northern and eastern boundaries will need to be lost to facilitate the proposed development. The

hedgerow loss to the north and west is necessary to facilitate the off-site highways works and new pedestrian connections. The three instances of minor hedgerow loss to the east is necessary to accommodate the proposed development however the remaining hedgerow structure is in accordance with the principles established in the Outline Consent.

45. The report identified that the development would necessitate the removal of four individual trees (B1 and C2 categories) in poor condition and form, as well as the removal of sections of hedgerow as above.
46. The proposals within the landscape strategy incorporate new and existing landscaping. As set out above, it includes additional trees, shrubs, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. Overall, the landscape strategy includes the following:
 - Planting of a total of some 67 trees including Maple, Birch, Cherry, pear, Rowan and lime. These are primarily located in open spaces within and on the periphery of the site and within front / side gardens.
 - Hedge planting of some 7,161 specimens including Hornbeam and Beech. These are primarily located to the peripheral areas / frontage of the site and within individual plots.
 - Planting of some 1,399 shrubs including Dogwood, Hebe (Autumn Glory) and Periwinkle.
 - Planting of some 1,380 and 1,950 of a Shrub and native shrub mix and some 595 specimens of a native hedge mix.
47. The proposed soft landscaping is acceptable and helps to soften the built form and provide suitable landscape mitigation, whilst promoting a development of a general high-quality design.
48. Boundary treatments would include the use of a combination of 450mm trip rail fencing, 900mm post and rail fence, 1800mm high close boarded fence and 1800mm high brick walls with piers and timber close boarded infill panels depending on their position within the site, to ensure an acceptable level of amenity, together with a high-quality street scene.
49. In conclusion, officers consider the landscaping of the development is acceptable, offering suitable mitigation and promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

e) Residential amenity

50. Officers consider the position and orientation of the proposed dwellings, and the degree of separation between properties both within, and existing dwellings outwith the development site, to be acceptable and in accordance with the guidance set out in the Design SPD. As such, the proposal would not result in harm to the amenity of neighbouring occupiers or future occupiers of the proposed dwellings, in accordance with the relevant policies listed above.

51. The application has been submitted together with a noise assessment prepared by Wardell Armstrong dated July 2024 with onsite measurements of the prevailing noise environment taken on 5th July 2024. The measurements were then combined with noise models of the site as built and compared against criteria known to provide a suitable acoustic environment. The results showed that the main noise source impacting on the development was road traffic along the northern and western boundary and that with suitable acoustic mitigation dwellings and garden areas across the site would achieve suitable noise levels. Houses closer to the centre of the development will be shielded from the noise by the dwellings on the edge of the development and will not require mitigation. Provided that the development incorporates the acoustic mitigation measures set out in the report it will provide a suitable acoustic environment for future occupiers. To ensure that the necessary noise mitigation measures are incorporated into the development, the Environmental Health Officer has recommended conditions securing the mitigation as set out in the noise report prior to occupation.
52. Subject to the above, the proposal is acceptable in respect of residential amenity and complies with the relevant policies as set out above. It should be noted as set out above, that various other issues are being dealt with separately through the discharge of condition process, including a Construction Management Plan and Land contamination.

f) Highway safety

53. The Highways Engineer has confirmed that he is satisfied with the internal layout and that the site is broadly compliant with the required standards for highways adoption and can therefore proceed towards Highways Technical Approval once planning consent and discharge of the relevant highway conditions as set out in the outline permission, is obtained. Off-site highway works are considered further in section (h) below.
54. Further to discussions with the Highways and Transport policy team, plans have been provided to demonstrate a Safe Route to School across the site to ensure that residents can access St. George's Church of England Primary School via active travel means. The key routes consist of a pedestrian link to the western boundary of the site to link the scheme to the Avant Homes site to the west (Area B), and a route north via the estate footpaths and with crossings to link to existing infrastructure to provide a continuous link to Yarm Road. Routes across the wider site (B) include Yarm Road, the existing Public Right of Way that connects the Avant RMA to Yarm Road via the existing footpath north of the site and under the Railway bridge and Chapel Street (the latter being required by virtue of condition 22 of the outline planning permission, which also controls the timing for implementation of the works).
55. It is noted that several objections raise the issue of the impact of an increase in traffic in the village, however the principle of development of the wider site for a total of 330 dwellings (of which this site provides 96) has been established through the outline planning permission and cannot be revisited through this reserved matters application.

g) Nutrient Neutrality

56. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th 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.
57. The Teesmouth and Cleveland Coast protected area is a wetland habitat comprising an area of complex of coastal habitats centred on the Tees estuary and include habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland and freshwater lagoons. These habitats support internationally important populations of breeding and nonbreeding waterbirds including but not limited to breeding Little Tern (A195), passage Sandwich Tern (A191), wintering Red Knot (A143), Redshank (A162) and Ringed Plover (A136) as well as a significant assemblage of wintering waterbirds and high density of benthic invertebrates.
58. The Conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
59. 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.
60. 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.
61. 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.

Population Growth and Average Occupancy Rate:

62. 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.
63. 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.
64. 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.
65. 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.
66. 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.

Local population growth in Darlington

67. 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.
68. 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.

69. 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 an gain of 0.98 persons per dwelling.
70. 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.
71. It is considered that such as 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.

Screening assessment

72. 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.
73. The information required to enable the LPA to undertake the screening assessment and where necessary appropriate assessment is provided by:
- Nutrient Budget Calculator (11 November 2024)
 - Nutrient Neutrality Assessment & Mitigation Strategy (11 November 2024)
 - Provisional Credit Allocation Notice
 - Nutrient Credit Allocation Area Map
 - Nutrient Mitigation Credit Scheme Conservation Covenant
 - Natural England Discretionary Advice Letter to Mitigation Landowner – Wild Capital
 - Statement of Truth confirming use of land at Morton Grange Farm (Mitigation Land)
74. This information provided by the applicant is now considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
75. The submitted nutrient budget calculator 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.

Appropriate Assessment

76. 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 and amendment the assumptions and inputs used by the applicant within this calculator are now considered satisfactory and are an accurate reflection of the site and its location.
77. This proposal for 96 net additional dwellings would increase the total annual nitrogen load arising by 138.89kg per year.
78. This figure was arrived at by incorporating increased water efficiency measures to reduce the water usage per person per day to 107 litres rather than 120 litres as set out in the Nutrient Budget calculator. Sufficient evidence has been provided by the applicant within their Nutrient Neutrality Assessment & Mitigation Strategy (11 November 2024) to demonstrate this is achievable with examples of the water usage of the different house types proposed. 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 107 litres.
79. 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 138.89 credits from a Nutrient Mitigation Land Scheme run by Wild Capital which is equivalent to the surplus nitrogen of 138.89kg that needs to be mitigated. The applicant has provided a provisional allocation notice obtained from Wild Capital confirming the reservation of the credits solely for the applicant. They have also provided further information that was requested on the nutrient mitigation land including a plan identifying the particular area of mitigation land to be used for this proposal along with the Conservation Covenant which legally secures the lands use for mitigation purposes along with the Habitat Management and Monitoring Plan setting out how the land will be monitored and managed to ensure the land continues to mitigate the impact of the development proposal in perpetuity. A statement of truth has also been provided from a neighbouring farmer and contractor confirming the use of land due to difficulties in obtaining information from the previous owner of the mitigation land.
80. Following detailed consideration of this information it is now considered sufficient evidence has been provided to confirm this particular mitigation proposed is 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 countersigned

Final Allocation Notice needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and is in place.

81. The Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

Appropriate Assessment Conclusion

82. This 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.
83. So, 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 conditions as set out above.
84. Prior to issuing a decision on this application in accordance with regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England must be consulted on this Screening and Appropriate Assessment. A response must then be received from Natural England confirming they have no objection to the proposed development provided that all mitigation measures are appropriately secured in any planning permission. This process has now been completed.

h) Off-site highway works.

85. The outline consent required, by virtue of condition 21, details of off-site highway works required to access and mitigate the development, including the details of footways, dropped kerbs, tactile paving, visibility splays, a new roundabout and junctions. The detail of these works has been submitted as a separate discharge of condition application and is currently being considered.
86. Both Avant and Bellway have committed to the delivery of off-site highway works, which includes the new Middleton Back Road / Yarm Road roundabout, prior to the first occupation of the new houses. The Outline Consent did not include any triggers for the delivery of this infrastructure so both Applicants have voluntarily submitted a Non-Material Amendment planning application to impose a planning condition that requires the completion of the Offsite Highways Works prior to occupation. The new planning condition provides the Council with the certainty that the Offsite Highways Works will be delivered prior to the occupation of any of the new dwellings.
87. The extent of the Offsite Highways Works are included on the General Arrangement Plan (Reference: AMA-20870-D-001 Rev. K) submitted. Both Applicants have jointly submitted the information necessary to discharge the pre-commencement conditions of the Outline Consent. Both Applicants have also commenced the technical approval process (referred to as the Section 278 process) with the Local Highways Authority. If the technical approval

process requires any minor amendments to the proposed design these can be accommodated by substituting the approved plans via a Non-Material Amendment planning application.

88. Furthermore, the Applicants have voluntarily entered into a legal agreement with each other requiring the collaboration and shared cost of delivering all the infrastructure required to support the development of both RMAs. The agreement requires:

- Shared cost of the off-site highways works including the delivery of the new roundabout at the junction between Yarm Road / Middleton Back Road;
- Shared cost of the off-site drainage works, including the delivery of a new foul water pumping station and associated rising main;
- Shared delivery responsibility of the off-site works, e.g. in terms of managing contractors; Financial securities to ensure the representative cost of the off-site infrastructure is available should one party not progress and/or is delayed;
- Shared planning responsibility, e.g., with regards to the discharge of conditions on the Outline Consent and discharge of S106 planning obligations; and
- Shared cost and management of supporting consultants, e.g. such as drainage engineers.

89. The benefit of this approach is that it legally obliges both parties to deliver the infrastructure required, with fallback mechanisms covering the scenarios of delay or withdrawal by either party. Accordingly, the voluntary legal agreement provides the Council with comfort that regardless of the progress or status of either party there are protections in place for the delivery of the infrastructure required for both RMAs. In short, both Applicants have voluntarily imposed a planning condition to deliver the Offsite Highways Works prior to the occupation of any dwellings; provided the design of the Offsite Highways Works and agreed a planning strategy that allows any amendments required through the technical approval process to be accommodated; and voluntarily entered into a legal agreement which guarantees the monies required to complete the works.

90. In terms of the Safe Route to School strategy, the applicant has committed to providing the links set out in the SRTS strategy prior to first occupation.

i) Other matters

91. It is acknowledged that Middleton St George Parish Council has requested that consideration be given to various matters that could be addressed as part of a Section 106 agreement. It should be noted that a commitment to pay Section 106 monies were agreed as part of the outline application, as set out below. These figures were as agreed at the time of granting the outline permission and are subject to indexation. These contributions will be used to mitigate the impact of the proposed development in respect of highways, and public / sustainable transport.

Obligation	Contribution per plot	Total contribution (330 dwellings)
Bus Pass	£25	£8,250

Little Burdon Network	£204.86	£67,603.80
Morton Palms Network	£624.65	£206,134.50
Public / sustainable transport	£900	£297,000
Total	£1754.51	£578,988.30

92. The Environment Act 2021 introduced mandatory biodiversity net gain for all new developments. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The statutory requirement is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
93. However, the legislation specifies that the mandatory biodiversity net gain requirement only applies to planning permissions granted in respect to an application made on or after 12 February 2024. Both the Avant RMA and Bellway RMA were submitted in April 2021, so the statutory biodiversity net gain requirement does not apply. Nevertheless, the Council's Ecology Officer has been consulted on the plans to ensure that they are acceptable in respect of the Ecological Assessments and requirements set out in the outline permission.
94. 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. At this time the Council requires the M4 (3a) standards to be achieved for the M4(3) provision. There is no mention in the supporting statement that the new homes will meet these requirements. The supporting text of policy H4 sets out that these standards will be applied to outline or full applications. As this is a reserved matters application and the standards have not been secured at the outline stage the requirements cannot be insisted upon.
95. The changes to the proposed housing mix from the submission in 2021 is due to the need to comply with the latest Building Regulations which introduced greater requirements for insulation and sustainability and a change to the available product range in the passage of time that has elapsed. Notwithstanding this, the changes to the proposed development has allowed a greater diversity of housing types and sizes to be introduced, thereby catering to a wider range of Darlington's housing needs.
96. Building Regulations are a set of mandatory standards designed to ensure a property is safe and comfortable to live in, and, increasingly, energy efficient and mitigating its contribution to carbon emissions. All new housing must be compliant and so both the Avant RMA and Bellway RMA must include new housing which can achieve the necessary Building Regulations. Since the grant of the Outline Consent in 2019 and the submission of both the Avant RMA and Bellway RMA in 2021 there have been several key updates to the Building Regulations. Most notably revisions to Part L of the Building Regulations which were introduced for all new dwellings delivered after June 2023. Part L of the Building Regulations require a 30% reduction in carbon when compared to 2013 Part L standards.

97. To achieve compliance with Part L of the Building Regulations, the implementation of renewable technologies such as solar PV panels and improvements to the building fabric and insulation is required which in turn has knock on impacts to the size of individual dwellings. Another key change is the introduction of Part S which requires all new dwellings to be provided with Electric Vehicle charging points.
98. Accordingly, both the Avant RMA and Bellway RMA were updated comprehensively in June 2024 that made several updates to the proposed development layout which allowed for house types to be introduced that could meet the required Building Regulations. The requirement to meet the latest Building Regulations was balanced against the need to accord with the approved plans of the Outline Consent as detailed above.
99. The housing mix suggested in the SHMA (2020) is 1 bed – 6.5%, 2 bed – 32%, 3 bed 50% and 4+ bed – 11.5%. The mix proposed for the site consists of one bed – 2.6%, 2 bed – 37%, 3 bed 46.5% and 4 bed 13.9%. This is largely in line with the proportions evidenced in the SHMA and therefore raises no policy concerns. Whilst the Bellway site proposes a higher proportion of larger homes, it is noted that a larger proportion of smaller properties are incorporated into the wider site.
100. Whilst it has been noted that the principle of the development is already established through the granting of the outline consent, the developer has put forward several economic benefits that would flow from the delivery of this scheme. These are noted and set out in the context of the delivery of both phases of the development as follows:
- 326 dwellings built to the latest building regulations – equivalent to 66% of DBC's annual housing requirement established by the Local Plan.
 - 50 affordable dwellings – equivalent to a 3.5% contribution towards meeting the requirements of DBC's housing waiting list which at 2022-23 stood at 1,424 households.
 - Generate £422,240 in New Homes Bonus per annum for a six-year period.
 - Support £9,236,665 worth of spending in local shops.
 - Generate £656,075 in council tax annually.
 - Generate £8,693,334 in taxation annually.
 - Provide £571,920.26 in financial contributions towards; new residential bus passes, the Little Burdon Local Highways Scheme, The Morton Palms Network Scheme and public and sustainable transport.
 - Delivery of off-site highway works prior to first occupation including the Middleton Back Road / Yarm Road roundabout.
 - Support 1,132 direct and in-direct jobs

THE PUBLIC-SECTOR EQUALITY DUTY

101. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

102. The RMA is submitted to discharge the Condition 1 requirement and has been made in full accordance with the parameters set out in the Outline Consent, including the approved plans. The proposed details in respect of layout, scale, appearance and landscaping, are considered to be acceptable and in accordance with the relevant policies as set out above.

103. Accordingly, it is recommended that reserved matters relating to details of appearance, landscaping, layout, and scale pursuant to outline planning permission 17/01195/OUT BE APPROVED subject to the following conditions:

1. Unless otherwise confirmed in writing by the Local Planning Authority, the development hereby approved should be carried out in accordance with the following plans:

Site Layout Plan 1287-BEL-100 Rev. AC
Boundary Treatment Plan 1287-BEL-101 Rev. E
Adoption Plan 1287-BEL-102 Rev. E
Parking and Bin Location Plan 1287-BEL-104 Rev. E
Cycle Storage Location Plan 1287-BEL-105 Rev. C
Chandler – Floor Plans CH-3B-2S-P1 Rev. A
Chandler – Elevations CH-3B-2S-CB-E
Mason - Floor Plans MA-3B-2S-P1
Mason – Elevations MA-3B-2S-CB-E
Sawyer - Floor Plans SY-3B-2S-P1
Sawyer – Elevations SY-3B-2S-CB-E
Scrivener - Floor Plans SC-4B-2S-P1 Rev. A
Scrivener – Elevations SC-4B-2S-CB-E Rev. A
Cutler – Floor Plans CU-4B-2S-P1
Cutler – Elevations CU-4B-2S-CB-E
Bowyer – Floor Plans BO-4B-2S-P1 Rev. A
Bowyer – Elevations BO-4B-2S-CB-E
Forester – Floor Plans FO-4B-2S-P1
Forester – Elevations FO-4B-2S-CB-E
Lorimer – Floor Plans LO-4B-2S-P1
Lorimer – Elevations LO-4B-2S-CB-E
Goldsmith – Floor Plans GO-4B-2S-P1.
Goldsmith – Elevations GO-4B-2S-CB-E
Draper – Floor Plans DR-5B-2S-P1
Draper – Elevations DR-5B-2S-CB-E Rev. A
Bosworth – Floor Plans BOS/2017/02
Bosworth – Elevations BOS/2017/002
Plane – Floor Plans A/1796CB/00/CB/01
Plane - Elevations A/1796CB/00/CB/02

Single Garage – Floor Plans /10/DET/01 Rev. C
Single Garage – Elevations 00/CB/R2/01 Rev. C
Double Garage – Floor Plans A/436/10/DET/01 Rev. B
Double Garage – Elevations A/436/00/CB/R1/01 Rev. B
Landscape Softworks Sheet 1 of 5 142928-PL-8001-A-A1LV Rev. C
Landscape Softworks Sheet 2 of 5 142928-PL-8002-A-A1LV Rev. C
Landscape Softworks Sheet 3 of 5 142928-PL-8003-A-A1LV Rev. C
Landscape Softworks Sheet 4 of 5 142928-PL-8004-A-A1LV Rev. C
Landscape Softworks Sheet 5 of 5 142928-PL-8005-A-A1LV Rev. C

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

2. Prior to the first occupation of the development, written confirmation, in the form of a countersigned Final Allocation Notice or otherwise, that 138.89 Nutrient Credits have been purchased 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

3. 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 107 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

4. Prior to the occupation of the homes where it is required, noise mitigation which meets or exceeds the specifications for the protection of the proposed residential accommodation from excessive road traffic noise as out in the Wardell Armstrong Noise Assessment (Reference: GM13433 / 0001 / FINAL, dated July 2024), unless otherwise agreed in writing, shall be installed.

For the avoidance of doubt, the mitigation includes:

- Enhanced acoustic glazing and ventilation to be installed on the facades of properties as shown in figure 7 and 8 of the report. The specification of this glazing and ventilation must meet or exceed the specifications assumed in the calculation of Appendix C of the report and Table 4 of the report, unless otherwise agreed in writing.
- An acoustic fence which meets the criteria set out in section 4.1.2 of the report shall be installed in the locations shown in figure 3 of the report, unless otherwise agreed in writing.

The required mitigation measures will be installed prior to occupation of the dwellings where it is required then maintained and retained thereafter for the lifetime of the development.

REASON – In the interests of residential amenity.

INFORMATIVES

Crane advice: Due to the site being within 6km of Teesside International Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority (caa.co.uk)

Once crane notification has been received from the CAA, Teesside International Airport safeguarding team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.