

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 September 2018**

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| <b>APPLICATION REF. NO:</b>     | <b>17/01175/FUL</b>  |
| <b>STATUTORY DECISION DATE:</b> | <b>9 April 2018</b>  |
| <b>WARD/PARISH:</b>             | <b>MIDDLETON ST GEORGE</b>   |
| <b>LOCATION:</b>                | <b>Field at OSGR E435292 N513607, Yarm Road, Oak Tree, Middleton St George</b>   |
| <b>DESCRIPTION:</b>             | <b>Residential housing development consisting of 61 No dwellings together with car parking, landscaping and associated infrastructure (amended description) (amended site plan and additional adoptable areas plan received 29 January 2018, amended site plans and design and access statement received 5 April 2018, amended tree survey, ecology report, floor plans and elevations received 6 April 2018, amended Transport Statement and Planning Statement received 23 April 2018, amended flood risk assessment and pumping station details received 14 June 2016, amended house types and site plan received 15 June 2018, further amended house types and site layout plan received 1 August 2018, amended Transport Statement received 3 August 2018 and amended flood risk assessment received 8 August 2018)</b> |
| <b>APPLICANT:</b>               | <b>MR D MYDDLETON</b>  |

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of 61, two and three storey dwellings on land to the north of Yarm Road, Middleton St George. The site will be served by a new vehicular and pedestrian access from Yarm Road connecting to an internal access road from which the proposed dwellings would be served. Those properties on the southern side of the site would face onto Yarm Road, with vehicular access to the rear. A separate pedestrian access is also proposed in the western corner of the application site, being the closest point to the village.

The proposed development will provide 22 3-bedroomed and 39 4-bedroomed houses. A mix of 3 and 4 bedroomed dwellings, both detached and semi-detached properties and ranging in height between 2 and 3 storeys is proposed. The scheme adopts a contemporary design approach, based on a traditional building form, with properties constructed from a palette of materials which includes a mixture of different brick types, timber composite cladding and slate-effect roof tiles. The majority of houses will provide at least 2 in-curtilage parking spaces in addition to

either a detached or integral garage. In the case of some of the smaller 3-bedroomed houses, the integral garage will account for the second in-curtilage parking space.

The application site is an area of grazing land, roughly rectangular in shape, which extends to approximately 2.5 hectares. It is used in conjunction with the property known as Oak Meadows, located immediately to the east of the application site. The site is bounded by the Middlesbrough to Darlington railway line to the north, Oak Meadows to the east, Yarm Road to the south and west. The site is bounded by existing mature trees and hedgerows on all sides, some of which would be removed to accommodate the proposed development.

Agricultural land on the south and west sides of Yarm Road, opposite the application site, is the subject of an outline planning application (17/01195/OUT) for the erection of up to 350 houses, retail units and a primary school which is currently awaiting determination.

The following information has been submitted with the application:

- Design and Access Statement
- Planning Statement
- Archaeology Report
- Arboricultural Impact Assessment
- Consultation Statement
- Ecology Appraisal and Bat Survey
- Flood Risk Assessment and Drainage Strategy
- Landscape Strategy
- Phase 1 Site Investigation Report
- Noise and Vibration Assessment
- Transport Assessment

## **PLANNING HISTORY**

88/00789/MISC – Erection of a dwelling, stable block and ancillary buildings for the operation of a stud farm (in outline). GRANTED 11.10.1989

88/00789/RM1 – Details of the siting, design, external appearance and means of access to the dwellinghouse and stable block. GRANTED 21.05.1990

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

### **Darlington Core Strategy Development Plan Document 2011**

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity

- CS16 – Protecting Environmental Resources, Human Health and Safety

### **Saved Policies of the Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2018

### **RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – Raise no highway objection subject to conditions.

**Transport Policy** – Contribution sought for improvements to Acorn Close bus stop and to provide a safe route to school.

**Environmental Health Officer** – Recommend conditional approval to secure noise mitigation measures, further ground investigation reports and any necessary mitigation, a construction management plan and limiting hours of construction.

**Lead Local Flood Authority** – Recommend condition approval.

**Northumbrian Water Limited** – Recommend conditional approval to ensure the development is carried out in accordance with the submitted flood risk assessment.

**Durham County Archaeology** – Recommend conditions requiring the developer to undertake a strip, map and sample scheme of works and for the findings to be published.

**Durham Constabulary Architectural Liaison Officer** – The revised layout for this proposal is acceptable from a ‘Design out Crime’ perspective. The houses have enclosed rear gardens and the front of the houses provided surveillance across the street. The open space to the west of the site will provide connectivity to Yarm Road, although should be well lit, maintained and carefully landscaped to encourage people to feel safe.

**Network Rail** – No objection in principle to the development subject to a number of requirements which must be met.

**Northern Powergrid** – No objection

**Northern Gas Network** – No objection

**CPRE** – Object to the application, and register support for the local residents and their reasons for objecting, noting in particular the submission by Middleton St George Parish Council. CPRE wishes to comment in particular:

- Note Appendix 6 of the SHLAA states that the site was unsuitable as a greenfield rural site outside of development limits and also that it is a greenfield site which maintains the separation between the village and the Virginia Estate;
- The Council has now completed the HELAA and not that this now identifies the site as being suitable for housing development;
- The fact remains however that the site lies outside of development limits and is therefore contrary to Local Plan Policies E2 and H7;
- Proposal is also contrary to Core Strategy Policies CS1, CS2 and CS14;
- It is generally accepted that Darlington does now have a 5 year housing land supply, meaning that policies relating to housing supply now carry full weight. Even though this target has now been met, there may be proposals for housing which will enhance that supply. Such proposals should however comply with the development plan. This proposal clearly conflicts with the development plan and according to paragraph 12 of the NPPF (2012) should therefore be refused;
- Case Law (East Staffordshire District Council v Secretary of State for Communities and Local Government (2016) has established that if the proposed development conflicts with the Local Plan, the presumption in favour of sustainable development has been rebutted.

**Darlington Friends of the Earth** – Object to the application for the following reasons:

- The site has not had any prior opportunity for Local plan dialogue and given the impact on the village it is not fair nor is it reasonable planning practice for such sites to circumvent the Local Plan discussion especially now the Local Plan stage has been reached;
- This development, together with recently approved application for 350 houses in June 2016 in outline (16/00578/OUT Durham Tees Valley Airport) substantially changes the character of this village. This rural site will be lost forever;
- Question the necessity for these houses given the figure being used by DBC is so dramatically different to the Government's consultation report;
- Using past achievement in economic growth should not be used to predict future achievement and housing requirements. The impact of Brexit cannot be quantified and predictions of growth are very mixed post Brexit. This calls into question the premise of the number of dwellings required in the borough and the need for this development;
- Note the presence of the railway line between the site and the Winnies Local Nature Reserve should reduce the impact of this development on the LNR but there is still the risk of disturbance to the local wildlife from lighting and noise;
- Another 60 daily trips combined with other development will only exacerbate public highway congestion and degrade air quality further;
- Increase in pedestrian access over the nearby railway level crossing is likely to increase level crossing user risk to an unacceptable level. The developer will need to mitigate these risks in conjunction with Network Rail.

**Middleton St George Parish Council** - Object for the following reasons:

**(original plans)**

- Restricted visibility both ways at the proposed access point. Additional cars arising from the development, the existing inadequacies of the road and pavements at the railway bridge increases the hazard even more;
- The proposed design of the dwellings is completely out of character for the village. While there is a mix of styles in the village the architectural design of the proposed development would be far too modern and would be completely out of keeping with the rest of the village;
- The majority of houses would be 4 bedroom dwellings, with no affordable or social housing proposed for this development. Would have preferred to have seen the inclusion of bungalows to meet the needs of the village population;
- Impact on existing Victorian sewerage system;
- Ongoing infringement of planning conditions relating to existing developments in the village. We should not have to endure this. Therefore urge that no further developments be granted approval until those already given permission are built out.

**(comments on amended plans)** – Object for the following reasons:

- Cumulative total of new houses (for which permission has either been granted or for pending and expected applications and for the remaining sites on the ‘Call for Sites’ List) is 1,933 which would mean at least 3,866 vehicles (an underestimate), 2 convenience stores and a 60-bed care home with extra private and commercial vehicles;
- The Government’s housing figure methodology suggests 177 houses/year for the Borough however the Council’s ‘Five Year Housing Land Supply Position Statement’ published in February 2018 gives a figure of 569 houses per year which causes confusion;
- Two of the key sustainability factors for Middleton St George are no longer valid as the GP surgery is no longer located within 1km of the centre of the village and the bus service does not serve the GP surgery in its new position;
- The Parish Council considers it extremely unjust to expect Middleton St George to supply three times as many houses as the rest of Darlington;
- Since DBC has produced a Brownfield Register there is evidence to suggest there are brownfield sites available in the Borough;
- There cannot be any economic benefit to the village from the development of the application site that can outweigh the significant environmental disadvantaged which the village will suffer;
- There are 3 objectives which we would want to see maintained and considered: ensure new developments are sustainable and make a contribution to the quality of life and local services for the people who live and work in Middleton St George; ensure landscape character is maintained and enhanced and that the coalescence of Middleton St George with adjacent settlements is prevented; and maintain and enhance local distinctiveness through the protection or restoration of the built and natural heritage of Middleton St George;
- The Local Planning Authority should be enabled to pay full attention to the fact that the emergent neighbourhood development plan is unable to be progressed pending new local plan policies being developed against which the NDP can be aligned. The approval of this application will negate future opportunities for constructive neighbourhood planning within Middleton St George;
- Weight must still be given to saved policies in the existing Local Plan;

- Any impacts adverse impacts of granting permission for this application would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF;
- The economic, social and environmental roles of the proposed development are overstated;
- The application is premature, given the Local Plan is at consultation stage, and therefore no further applications should be granted permission until such time as this process has been finalised;
- Concerned that the Planning Statement refers to this site as a 'logical infill site'. This does not constitute a valid reason to approve the application;
- The retention of the existing mature trees to the southern boundary and woodland to the north west is extremely important and would not like to see any further loss of trees or hedgerows;
- The Amended TS states incorrectly that there are 30 new units further along Yarm Road. Permission was granted for 2 developments, one consisting of 44 dwellings and one of 10 dwellings and a convenience store. This means that vehicle movements from all these developments would add seriously to the safety hazards and congestion in the location of the site;
- The photos in the TS must have been taken during off-peak hours, or on a Sunday, as they show hardly any, or no, vehicles. There is already severe congestion along those roads and this will be exacerbated;
- The amended TS proposes to add more bus stops but there is no point unless the inadequate bus service is improved;
- Draw attention to the Environmental Health Officer's comments regarding noise from the railway which is a major constraint to development and will have a major impact;

One letter of representation has been received which raise the following issues:

- *A noise assessment should be requested due to the close proximity of the dwellings to the Darlington – Saltburn railway line;*
- *In addition to the movement noise of the regular trains, there is also a problem with exceedingly loud train horns because of a whistle-board located north of this site. I have already complained to your Environmental Health department and written to Northern Rail and Network Rail;*
- *If the development goes ahead it is likely that you will receive at least 60 more complaints about this noise disturbance which occurs at very unreasonable times and causes sleep disturbance sometimes as early 5.15am and continuing at regular intervals up to midnight;*

One letter of objection has been received which raises the following issues:

- *Accept a need for additional housing, however consider that improvements are needed to infrastructure around the site namely pedestrian access, street lighting, road safety and the bus service;*
- *Currently walking access from the new houses to the Virginia Estate and the Medical Centre further up Yarm Road is poor and unsafe. There should be a significant gap between an improved footpath and trees/bushes for the security of people walking along the path;*
- *Additional traffic on Yarm Road is of concern for our elderly residents and staff many of whom live in Middleton St George. A lowered speed limit of 30mph on Yarm Road is essential;*

- *Would support the provision of a roundabout to cater for additional traffic from the site at the junction of Yarm Road and the unnamed road (Middleton Back Lane) as per the other planning application for 430 houses;*
- *Access under the railway bridge remains a concern as it is already dangerous for cars and pedestrians and increased traffic will make this worse;*
- *The developer should provide some financial support to extend the bus timetable to make it easier to access Darlington and local facilities such as the medical centre opposite Virginia Estate to mitigate against the additional traffic generated.*

## **PLANNING ISSUES**

The main issues to be taken into consideration in the determination of this planning application are:

- Planning Policy
- Impact on Visual and Residential Amenity
- Loss of Agricultural Land
- Highway and Sustainable Transport Matters
- Sustainable Drainage
- Land Contamination
- Trees
- Ecology
- Archaeology
- Developer Contributions
- Delivery

### **Planning Policy**

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

### Housing land supply position

In relation to housing, the NPPF (2012) required local authorities to plan positively for housing development to meet the needs of their area and this is carried forward in the latest NPPF (2018)

In recent years Darlington had not been able to demonstrate a 5 year supply of deliverable housing sites, when measured against a housing requirement based on an up to date, objectively assessed need (OAN). As a consequence of this, relevant policies for the supply of housing have not been considered up to date in line with paragraph 49 of the previous NPPF (2012) and planning applications have previously been considered in the context of the presumption in favour of sustainable development (para 14 of the NPPF 2012).

The above situation has recently changed. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required between 2016 to 2036, an average of 422 dwellings per year. Although this figure has not been subject to an Examination in Public, it represents the latest full assessment of housing need. As a matter planning judgement, the

Council has determined to use the SHMA housing figure as the baseline against which to assess whether there is a deliverable supply of housing land. A 20% buffer has been applied to this figure due to previous under delivery.

An assessment of sites currently shows that a 6.21 year (approx.) supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the titled balance in para 11 of the NPPF (2018) is not engaged. Should it be deemed that the housing land supply should be calculated using the standard method in national planning guidance prior to any Public Examination, the Council consider that a five year supply of housing can still be demonstrated.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable and deliverable for housing development in the emerging Local Plan as the five year supply of deliverable sites cannot be demonstrated within the development limits alone.

#### Principle of the development

The aim of Policy E2 is to direct new development to within the development limits of the village and to safeguard the character and appearance of the countryside. As the application site is located beyond the development limits of the village residential development thereon would be contrary to Saved Policy E2 (Development Limits) of the Darlington Local Plan 1997. The proposal would subsequently be contrary to Policies CS1 and H7 due to its location beyond the development limits.

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to Policies E2, CS1 and H7 there are material considerations which should be considered in the planning balance.

The recent Strategic Housing Market Assessment has detailed the current requirements for housing in the Borough and these figures have been used to assist preparation of the emerging Local Plan. A number of sites which contribute to the five year supply which are located beyond the settlement limits have been identified in the emerging Local Plan as suitable and deliverable sites for housing.

The five year supply of deliverable sites cannot be demonstrated within the development limits alone. The application site is considered to be suitable and deliverable for housing in the emerging Local Plan. It makes a valuable contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough.

The second part of policy E2 relating to the protection of the character and appearance of the countryside is still relevant and should be considered in the planning balance and this will be assessed in the next section of this report.

Despite the conflict with Saved Local Plan E2 and subsequently CS1 and H7, when considered in the context of the five year supply and emerging Local Plan the principle of residential development on this site is considered to be acceptable.



**Impact on Visual and Residential Amenity**

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements. The second part of Saved Local Plan Policy E2 (Development Limits) relates to the protection and character of the countryside and falls to be considered as part of the planning balance. The reasoned justification to this policy seeks to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside by strictly controlling development outside of development limits.

The site, which is currently a grassed field used for grazing purposes, adjoins the eastern edge of the built form of the village. Although the site is physically separated from the village by the Darlington to Middlesbrough railway line and by Yarm Road, the nearest part of the site is only approximately 60 metres from properties at Swain Court. The proposal would result in the loss of this field which provides limited visual separation between the eastern end of the village and the Virginia Estate which lies approximately 400 metres to the east and sporadic development at Oak Tree further beyond towards Durham Tees Valley Airport (DTVA). When considered in the context of this, and other consented residential development at DTVA (16/00578/OUT), the site is not considered to be of significant value in amenity terms such that its loss would adversely affect the character and appearance of the area or of that of the surrounding countryside which Policy CS14 and Saved Policy E2 seek to protect.

It should also be noted that an outline application for the development of agricultural land to the south and west sides of Yarm Road, opposite the application site (17/01195/OUT) for the erection of up to 350 houses, retail units and a primary school, which is currently awaiting determination, and this would further reduce the value of the application site in terms of any relief between settlements if the application were to be approved.

Policy CS2 (Achieving High Quality, Sustainable Design) requires that new development should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. This is broadly consistent with the advice contained at paragraph 127 of the NPPF.

The proposed development would comprise a total of 61 dwellings on the site at a density of approximately 24.4 dwellings per hectare. The site would be served from Yarm Road via a single point of access, connecting to an internal estate road which loops round the site from which the proposed dwellings, including a number of cul-de-sacs, would be accessed. A mix of 3 and 4 bedroomed dwellings, both detached and semi-detached properties and ranging in height between 2 and 3 storeys is proposed. The scheme adopts a contemporary design approach, based on a traditional building form, with properties constructed from a palette of materials which includes a mixture of different brick types, timber composite cladding and slate-effect roof tiles.

The design and layout of the scheme has been amended since the application was submitted to take account of these requirements and to incorporate the broad design principles set out in the Design SPD following lengthy discussions with Officers. Key changes to the scheme are as follows:

- The relationship of the development with the Yarm Road has been improved with dual aspect properties and active frontages onto both Yarm Road and the access road behind;
- The relationship of the northern part of the site with the railway line has been amended to provide better standards of amenity for these properties and their garden areas to protect them against railway noise;
- The internal layout of the site has been amended to improve natural surveillance between properties by the reorientation of dwellings, by limiting the amount of inactive frontage and number of boundary walls.

The design of the proposed dwellings has not fundamentally changed during these discussions, although there have been changes made in accordance with the Design SPD in terms of the detailing of the dwellings such as to window positioning and detailing.

The amended Design and Access Statement (DAS) explains that the development is laid out in a series of distinct character areas to encourage community interaction between residents and to offer opportunities for diversity in the architecture across the site, contributing to a sense of place and identity within the development. The DAS also explains that the design, scale and orientation of the proposed houses within each of the character areas have evolved in response to the particular characteristics of each part of the site and accordingly a total of 12 different house types are proposed.

It is acknowledged that outside of the conservation area boundary, there is a variety of built form and character within Middleton St George and as such there is no objection in principle to a contemporary approach being adopted in this instance. The palette of materials proposed is also considered to be acceptable. The success of the proposed scheme however lies in how well it responds to local distinctiveness as required by Policies CS2 and CS14 and guidance contained in the recently revised NPPF. The Council's Revised Design of New Development SPD (Design SPD), based on a local characterisation study, identifies a number of 'zones' across the Borough and gives a broad indication of the general characteristics and features that are considered to add to the local distinctiveness of that particular zone.

In view of the more significant changes made to the site layout and broader changes made to the detailing of the proposed dwellings, it is considered that the scheme responds to local distinctiveness, albeit in a more contemporary form, and as such complies with the requirements of Policies CS2 and CS14 and the Design SPD. Paragraph 130 of the NPPF is clear that where the design of a development accords with clear expectations in plan policies, design should not be a valid reason to object to development. The scheme maintains the majority of the mature trees along Yarm Road, with the exception of those that are to be removed to facilitate the access and the localised removal of poor specimens, with the properties having an open and active frontage onto Yarm Road. The site is well screened on its northern side by the railway embankment and by other trees on the eastern and western sides such that the site will only be readily visible from Yarm Road to the south and west. Further landscaping is proposed within the site which should help assimilate the development into the wider landscape. A number of conditions, requiring the submission of materials for approval and removing permitted development rights for extensions, alterations and means of enclosure, are attached to maintain the integrity of the scheme.

The proposed site layout also shows that the proposed development can be accommodated without compromising the residential amenities of the existing property 'Oak Meadows' at the eastern end of the site, in terms of light, outlook and privacy.

The site is bounded by Yarm Road to the south and by the Darlington to Middlesbrough railway line to the north. A Noise and Vibration Assessment has been carried out which assesses the impact of these noise sources on the future occupants of the proposed dwellings. This document has been amended since it was first submitted to take into account the comments of the Environmental Health Officer.

The noise assessment recommends that in order to mitigate against the effects of noise from rail noise, the windows of those properties closest to the railway should be fitted with acoustic trickle vents. An acoustic fence is also proposed to the rear of plots 12 and 44 – 49 to protect the private amenity areas from rail noise. Those properties further into the site would be shielded from the train noise by properties closer to the tracks. The Environmental Health Officer assesses the rail noise impacting on the proposed development as having an observed effect with the introduction of the mitigation and recommends that the proposed mitigation measures are secured by a planning condition.

The properties on the southern side of the site, facing Yarm Road, and their garden areas would be affected by road traffic noise. The noise assessment shows that it would not be possible to achieve the recommended noise levels for private garden areas set out in BS8233 of 55 dB LAeq (the noise assessment calculates noise levels in the garden areas as 60.2 dB LAeq). While ordinarily the provision of an acoustic fence could potentially reduce noise levels within the garden areas, in this instance the erection of an acoustic fence to the front of these properties would have a significant impact in terms of compromising the character and appearance of this part of the site which has been designed with an open aspect onto Yarm Road. These houses do however have a rear amenity space within which the noise assessment demonstrates that the appropriate noise levels can be achieved and as such, subject to habitable rooms facing onto Yarm Road being fitted with acoustic trickle ventilation, the appropriate noise levels can be achieved and the proposal will, on balance, comply with the requirements of the NPPF and Policy CS16 in this regard.

### **Loss of Agricultural Land**

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality, having remained as grazing land for a number of years. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

### **Highway and Sustainable Transport Matters**

A Transport Statement (TS) has been submitted which considers the highways and transport issues associated with the proposed development. This has been considered by the Highway Engineer. The TS demonstrates that generated traffic from the development would not have a detrimental impact on the surrounding highway networks with 28/29 two way trips in the AM peak and PM peak hours. This equates to one car movement every two minutes during the peak

hour, with generated traffic distributed predominantly east and west to join the A67, given the location of the development site on the northern edge of the village this will mean a minimal impact on the village centre. From a traffic generation perspective, this development would therefore be acceptable as it cannot be considered to have a severe impact upon the local highway network. The assessment makes reference to the full Transport Assessment submitted for the outline planning application on land to the south and west sides of Yarm Road, opposite the application site (17/01195/OUT), which includes detailed analysis of the adjoining highway network and included a significant number of other committed development within the local area. The findings of the report show that junction modelling for the year 2027, when all committed development is built, is still operating satisfactorily and queuing due to junction capacity will not be an issue.

An accident study has been provided as part of the assessment which shows there are no recorded incidents in the immediate vicinity within the last 5 years of data in the study area. This data has been verified with the Police accident statistics held by DBC and is an accurate representation. The proposed access is via a priority T junction with visibility splays suitable for the speed limit of the adjoining carriageway. Tactile paving and dropped kerbs should be provided at the site access to provide suitable links to the surrounding infrastructure. The existing footway on Yarm Road is narrow and needs to be upgraded to 2.0m in width and this has been identified by the Sustainable Transport team as requiring improvement, secured by a financial contribution, in order to provide improved pedestrian connectivity to the village and a 'safe route to school'. The rail bridge located to the west of the site is a localised pinch point for pedestrian infrastructure and also requires improvement. This can be mitigated by the creation of a priority traffic calming feature under the bridge which will enable the footpath to be widened and additional dropped crossing facilities provided. This would be carried out as part of the Section 278 Agreement.

The internal access roads have been designed to adoptable standards and the proposed internal layout has been amended to address the concerns of the Highway Engineer. The tight radii of the internal geometry will provide a self-enforcing speed limit of 20mph required within the site. In order to agree the reduced centre-line radii (below 30m) it was necessary to demonstrate appropriate forward visibility around all bends which requires the adoption of land falling behind the footways which must be secured as adopted highway in order to maintain adequate visibility in perpetuity. Further discussions will be needed with regard to the adoptability of the footways linking the green space at the western boundary of the site and the parking layby at the northern end of the site, however this can be finalised as part of the Section 38 process. Car parking across the site generally accords with the Design Guide for the type and size of dwellings proposed. Subject to a number of conditions the Highway Engineer has raised no highway objection.

The Council's Sustainable Transport Officer advises that seven bus journeys a day pass the site along to Trees Park Village. While there would be no requirement to add bus stops immediately adjacent to the site, residents would need to walk to the Acorn Close stops to the west of the site, approximately 500m walking distance. Although a financial contribution has been requested for the improvement of this bus stop, in the form of a raised kerb (approx. £5,000), this has already been secured by the Section 106 agreements attached to the two development sites on Yarm Road, to the west of the site (17/00847/FUL and 17/00911/FUL respectively) and as such would not meet the necessary tests of being reasonable or necessary to mitigate against the impact of the development. A sustainable transport contribution of £56,700 has however been secured towards the provision of a safe route to school which will include the provision of street lighting

to light the highway and footway from the site along Yarm Road and widening improvements to the footway.

The provision of a safe route to school, to include improvements to the footway, street lighting and traffic calming works under the bridge will address some of the concerns expressed by the objector to the proposal. The remaining requests: for the lowering of the speed limit, the contribution to an improved frequency bus stop and the provision of a roundabout at the junction of Yarm Road and Middleton Back Road are not considered necessary in this instance to mitigation against the impact of the development.

### **Sustainable Drainage**

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no adverse impact on the environment, general amenity and the health and safety of the community. New development will be focussed on areas of low flood risk; Flood Zone 1.

A Flood Risk Assessment has been submitted with the application which considers the site in relation to all potential sources of flooding. The FRA has been amended since first submitted to address the concerns of Stockton Borough Council acting for the Lead Local Flood Authority. The site is shown on the Environment Agency flood maps as being located in an area at very low risk from river flooding. The site is however shown to be at high risk of flooding from surface water due to the low lying nature of part of the site. Flood flow modelling of the proposed development will not however increase the risk of flooding due to surface water. The amended FRA sets out a number of recommendations, including setting the finished floor levels of the dwellings at 500mm above flood level, to direct surface water from the site to an existing watercourse with flows restricted to a greenfield flow rate of 5 l/s. This will require the pumping of surface water flows and attenuation on site. A pumping station is proposed to the north west of the site. The proposed development proposes the use of porous shared driveways to assist with the treatment of surface water run-off from these areas and foul water will be discharged into an existing foul water sewer to the north west of the site.

Northumbrian Water and the Lead Local Flood Authority have advised that they have no objection to the revised proposals, subject to appropriate planning conditions.

### **Land Contamination**

The application has been submitted with a Phase 1 Site Investigation Report which concludes that the overall risk to future users of the site from the proposed development is low because of the lack of an industrial usage associated with the site. The report recommends that further investigations are necessary to establish the extent of any potential contamination, to be targeted on areas of potential contamination such as the railway embankment to the north and the agricultural buildings to be demolished on the eastern boundary of the site. The Environmental Health Officer concurs with the findings of the report and recommends that conditions be attached to any approval to secure further investigative work and any necessary remediation of the site. Subject to the results of the site investigation it may be possible to discharge conditions CL4 – CL6 without any mitigation or verification works at the site. The proposal therefore complies with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) in this regard.

### **Trees**

The site is surrounded by mature trees on all its perimeters. A linear group of mixed broadleaves are located along the southern boundary and a small copse of self-seeded trees is located within the western corner of the site. The proposed layout will result in the loss of a number of individual trees, the removal of trees within Group 2 and sections of Groups 1 and 3 and Hedgerow 2. These trees are required to be removed to create the access, pumping station and to construct the dwellings and comprise of one Category A trees, three Category B trees, one Category U tree, and sections of two Category B groups and a Category C hedgerow. Those trees required to be removed to integrate trees within proposed gardens are either Category B, C or U trees. With the exception of those trees to be removed to create the access off Yarm Road, the best quality trees have been selected to be retained and landscape proposals seek to further strengthen the road side tree belt and with further planting. Tree protection measures would be required to protect those trees retained on the site during the construction period.

Subject to the proposed landscaping scheme and tree protection measures being secured by planning condition, the proposal is considered to be acceptable in this regard.

### **Ecology**

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity.

The Whinnies Local Nature Reserve (LNR) is located 25 metres to the north of the application site, at its nearest point, separated by the railway line.

An Ecological Appraisal has been submitted with the application which concludes that the site itself is species-poor semi-improved grassland and as such is not considered to be of significant ecological value. The block of woodland and adjacent beck on the western part of the site is considered to be of ecological importance and although it is to be retained as part of the development proposals, works to construct the footpath and the pumping station are likely to have a significant ecological effect. Similarly the loss of some of the roadside trees along the southern site boundary will result in some ecological impact. The appraisal recommends that a series of mitigation measures be put in place to minimise this impact, to include the routing of the footpath to avoid large mature trees, positioning any lighting in such a way to minimise its impact on bats, the protection of existing trees to be retained on site and an indigenous landscaping scheme. This mitigation is to be secured by planning condition. The appraisal also concludes that due to the railway line separating the site from The Whinnies LNR, the development is unlikely to have a significant impact on this site.

An existing stable block located in the north east corner of the site contains a common pipistrelle daytime roost used by a low number of bats, which would be lost as a result of the proposed development. Mitigation and compensation for the loss of the roost will be required which will

be secured as part of the licencing regime. The appraisal also identifies that as the existing tree belt on the southern and western sides of the site will be incorporated into the proposed scheme, which the loss of some trees to allow for the site access and removal of poor specimens, the proposal is not considered to have a significant impact on foraging and commuting bats. The reinforcement of this area with new tree planting as part of an indigenous landscaping scheme for the overall site will strengthen this feature and will benefit foraging and commuting bats. Provision for bird and bat nesting opportunities on the site should also be secured by condition.

The appraisal concludes that no evidence of other protected species was recorded on the site. Subject to a condition requiring the submission of details of a mitigation scheme, in accordance with the recommendations of the Ecological Appraisal, in addition to conditions limiting works to outside the bird nesting season and the protected of those trees to be retained during the construction period, the proposal is considered to comply with Policy CS15 and the NPPF.

### **Archaeology**

An archaeological desk based assessment has been submitted with the application following a geophysical survey undertaken on the site which considers that any magnetic anomalies identified in the survey area are likely to relate to either modern or agricultural activity. While ordinarily these findings should be tested by pre-determination trial trenching, in this instance the applicant is willing to go straight to a strip, map and sample scheme of works, which can be secured by a condition and Durham County Archaeology are supportive of this approach. The proposal therefore complies with the requirements of paragraphs 197 and 199 of the NPPF and Policy CS14 (Promoting Local Character and Distinctiveness) in this regard.

### **Developer Contributions**

Developer contributions would be sought towards primary education provision within the locality (£183,976) and for highways/sustainable transport improvements to provide a safe route to school (£56,700) to be secured by a Section 106 Agreement. In accordance with the requirements of Policy CS4 (Developer Contributions) and the Planning Obligations SPD, affordable housing provision of 20% (12 dwellings) is required. In this instance the affordable housing provision will be provided off site, either in the form of the 12 no. affordable bungalows at Acorn Close which is also on this agenda for consideration (18/00509FUL) or in the form of a financial contribution of £414,000. The Section 106 Agreement would secure a position whereby the developer would notify the Council of whichever option it chose to pursue prior to the commencement of development on this site.

### **Delivery**

To ensure the Council maintains a five year supply of housing land and to progress the delivery of dwellings within a short time frame, a condition limiting the implementation of this permission to 18 months is considered appropriate.

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

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

## CONCLUSION

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

Despite the conflict with Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997, the application site is in an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. When considered in the context of the emerging Local Plan and the contribution that the proposal will make to the 5 year supply of housing land, the principle of residential development is considered to be acceptable on the application site in this instance.

The proposal does not result in any adverse impacts on highway safety, surface water drainage or on residential and visual amenity, with appropriate mitigation measures in place to be secured by planning conditions. Appropriate planning obligations have also been negotiated and would be secured by a Section 106 Agreement, to mitigate against the impacts of the development.

## RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT WITHIN SIX MONTHS TO SECURE THE FOLLOWING:

- (a) A financial contribution of £183,976 towards education provision in Middleton St George;
- (b) A financial contribution of £56,700 towards the provision of a safe route to school from the site;
- (c) An off-site affordable housing contribution of £414,000 or the provision of 12 no. affordable bungalows on land at Acorn Close in accordance with planning permission reference number 18/00509/FUL.

AND SUBJECT TO THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

REASON - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Layout site plan 1715 312 01 Rev. G 1.8.18

Adoptable roads, shared surfaces and footpaths 1715 313 01 Rev. E 1.8.18

Proposed site sections 1715-XSA-00-ZZ-DR-A-325 Rev. P02.5 1.8.18

Illustrative landscape plan 1715 370 01 Rev. A 1.8.18

House Type 1\_GA Plans 1715-XSA-01-ZZ-DR-A-3001 Rev P02.3 12.6.18

House Type 1\_Elevations 1715-XSA-01-ZZ-DR-A-3601 Rev P02.3 12.6.18

House Type 1\_3D Views 1715-XSA-01-ZZ-DR-A-9201 Rev P02.3 12.6.18

House Type 2\_GA Plans 1715-XSA-02-ZZ-DR-A-3001 Rev P02.4 12.6.18



House Type 2\_Elevations 1715-XSA-02-ZZ-DR-A-3601 Rev. P02.4 12.6.18  
House Type 2\_3D Views 1715-XSA-02-ZZ-DR-A-9201 Rev. P02.4 12.6.18  
House Type 3\_GA Plans 1715-XSA-03-ZZ-DR-A-3001 Rev P02.2 12.6.18  
House Type 3\_Elevations 1715-XSA-03-ZZ-DR-A-3601 Rev P02.2 12.6.18  
House Type 3\_3D Views 1715-XSA-03-ZZ-DR-A-9201 Rev P02.2 12.6.18  
House Type 4\_GA Plans 1715-XSA-04-ZZ-DR-A-3001 Rev P02.2 12.6.18  
House Type 4\_Elevations 1715-XSA-04-ZZ-DR-A-3601 Rev P02.2 12.6.18  
House Type 4\_3D Views 1715-XSA-04-ZZ-DR-A-9201 Rev P02.2 12.6.18  
House Type 5\_GA Plans 1715-XSA-05-ZZ-DR-A-3001 Rev. P02.4 12.6.18  
House Type 5\_Elevations 1715-XSA-05-ZZ-DR-A-3601 Rev P02.4 12.6.18  
House Type 5\_3D Model 1715-XSA-05-ZZ-DR-A-9201 Rev. P02.4 12.6.18  
House Type 6\_GA Plans 1715-XSA-06-ZZ-DR-A-3001 Rev. P02.4 31.7.18  
House Type 6\_Elevations 1715-XSA-06-ZZ-DR-A-3601 Rev. P02.4 31.7.18  
House Type 6\_3D Views 1715-XSA-06-ZZ-DR-A-9201 Rev. P02.4 31.7.18  
House Type 7\_GA Plans 1715-XSA-07-ZZ-DR-A-3001 Rev. P02.4 26.6.18  
House Type 7\_Elevations 1715-XSA-07-ZZ-DR-A-3601 Rev. P02.4 26.6.18  
House Type 7\_3D Views 1715-XSA-07-ZZ-DR-A-9201 Rev. P02.4 26.6.18  
House Type 8\_GA Plans 1715-XSA-08-ZZ-DR-A-3001 Rev. P02.3 12.6.18  
House Type 8\_Elevations 1715-XSA-08-ZZ-DR-A-3601 Rev. 02.3 12.6.18  
House Type 8\_3D Views 1715-XSA-08-ZZ-DR-A-9201 Rev. 12.6.18  
House Type 9\_GA Plans 1715-XSA-09-ZZ-DR-A-3001 Rev. P02.3 13.6.18  
House Type 9\_Elevations 1715-XSA-09-ZZ-DR-A-3601 Rev. P02.3 13.6.18  
House Type 9\_3D Views 1715-XSA-09-ZZ-DR-A-9201 Rev. P02.3 13.6.18  
House Type 10\_GA Plans 1715-XSA-10-ZZ-DR-A-3001 Rev. P02.3 26.6.18  
House Type 10\_Elevations 1715-XSA-10-ZZ-DR-A-3601 Rev. P02.3 26.6.18  
House Type 10\_3D Views 1715-XSA-10-ZZ-DR-A-9201 Rev. P02.3 26.6.18  
House Type 11\_GA Plans 1715-XSA-11-ZZ-DR-A-3001 Rev. P02.4 13.6.18  
House Type 11\_Elevations 1715-XSA-11-ZZ-DR-A-3601 Rev. P02.4 13.6.18  
House Type 11\_3D Views 1715-XSA-11-ZZ-DR-A-9201 Rev. P02.4 13.6.18  
House Type 12\_GA Plans 1715-XSA-12-ZZ-DR-A-3001 Rev. P02.1 05.4.18  
House Type 12\_Elevations 1715-XSA-12-ZZ-DR-A-3601 Rev. P02.1 05.4.18  
House Type 12\_3D Views 1715-XSA-12-ZZ-DR-A-9201 Rev. P02.1 5.4.18

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

3. B4 (Details of external materials to be submitted)
4. B9 (Fencing, Walls, Enclosures)
5. C5 (Restriction of PD Rights – Residential)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) no fencing, walls or other means of enclosure shall be erected on the site without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In order that the Local Planning Authority is able to exercise control over future development of the site.

7. E2 (Landscaping)
8. E11 (Tree Protection)
9. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
  - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014;
  - b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
  - c) Construction Traffic Routes, including parking areas for staff and visitors;
  - d) Details of wheel washing;
  - e) Road Maintenance;
  - f) Warning Signage

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

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

10. Construction works shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 on a Saturday and not at all on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

11. 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 interest of highway safety.

12. Prior to the commencement of the development hereby permitted, precise details of the build out/gateway feature, including footway widening at the rail bridge, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

13. Land falling within the visibility splays to the rear of footways at plots 10, 12, 41 and 43, as shown on drawing number shall be adopted as highway and shall remain devoid of any planting, development, fencing or other means of enclosure for the lifetime of the development hereby permitted.

REASON – To ensure that adequate forward visibility is provided for the lifetime of the development, in the interest of highway safety.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Issue 3 (Aug 2018) and the following mitigation measures detailed in the FRA.

- Finished floor levels should be set at a minimum of 37.550mAOD;
- Surface water from the site should be directed to the existing watercourse crossing the site with flows restricted to a greenfield flow rate of 5 l/s.

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

15. The development 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 for the lifetime of the development.

16. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled '*Flood Risk Assessment*' dated January 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

17. Prior to works commencing on site the design, layout, specification and location of the required noise barriers referred to in the Echo Acoustics noise report (dated 4<sup>th</sup> April 2018) submitted with the application for the protection of outside amenity areas in properties facing onto the railway shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted. Properties requiring such mitigations measures include plots 12 and 44 to 49.

REASON – To safeguard the amenities of future residents of the dwellings hereby approved.

18. Habitable rooms in the facades of homes on those plots which front onto Yarm Road and the railway line shall be fitted with acoustic trickle ventilation within window frames which gives a sound insulation performance of at least 40dB and the exact specification of windows, trickle vents and the facades of the homes in which they are to be fitted shall be submitted to and approved in writing prior to the commencement of development hereby permitted. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted.

REASON – To safeguard the amenities of future residents of the dwellings hereby approved.

19. CL2 (Phase 2 Site Investigation Strategy)
20. CL3 (Phase 2 Investigation Works)
21. CL4 (Phase 3 Remediation and Verification Strategy)
22. CL5 (Construction/Remediation Works)
23. CL6 (Phase 4 Verification and Completion Works)
24. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has first been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
  - iii. Post-fieldwork methodologies for assessment and analyses;
  - iv. Report content and arrangements for dissemination, and publication proposals;
  - v. Archive preparation and deposition with recognised repositories;
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity monitor such works;
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON – To comply with paragraphs 197 and 199 of the NPPF because the site is of archaeological interest.

25. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with paragraph 199 of the NPPF which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

26. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

27. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

28. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

29. Prior to the commencement of development hereby permitted details of an ARMCO or similar barrier to be located in positions where vehicles may be able to drive or roll onto the railway and damage the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

30. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of

development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

31. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

33. Prior to the commencement of the development hereby permitted, 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 interest of visual and residential amenity.

34. The mitigation measures set out in Section 5 of the QUANTS Environmental Ltd Ecological Appraisal and Bat Surveys dated April 2018 shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

35. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

REASON – In the interest of nesting birds.

## **INFORMATIVES**

### **Highway Matters**

The developer is required to submit detailed drawings of the proposed internal highway and 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 works on site. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406664) to discuss this matter.

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.

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting should be submitted to 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.

The applicant is advised that contact be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the introduction of Traffic Regulation Orders in connection to a 20mph zone.

The development should contact the Assistant Directory – Highways, Design and Projects (Mr Steve Pryke 01325 406663) to discuss the requirements of a pre-commencement road condition survey covering the existing adopted highway on Yarm Road to ensure no further damage is caused to the highway as a result of the construction of the development.

### **Network Rail**

#### **Drainage**

All surface and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

If a Network Rail-owned underline structure (Such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

### **Wayleaves and or easements for underline drainage assets**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

### **Protection of existing railway drainage assets within a clearance area**

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

### **Security of Mutual Boundary**

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

### **OPE**

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



**Vibro-impact Machinery**

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

**Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes', particularly in this instance in relation to construction traffic passing under the adjacent Yarm Road railway bridge which has a 4.1m height restriction. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

**Encroachment**

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

**Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The site is adjacent to a railway access point and we note that the plans provided indicate the retention of this access point. It is imperative that this access remain clear and unobstructed at all times both during and after construction works. Access is required on a 24/7 basis for routine maintenance/inspection as well as emergency use.

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

**Noise/Soundproofing**

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

**Trees/Shrubs/Landscaping**

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

Acceptable:

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

Not Acceptable:

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

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

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

**Darlington Core Strategy Development Plan Document 2011**

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

**Saved Policies of the Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013  
National Planning Policy Framework, 2018