

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th June 2019

APPLICATION REF. NO: 17/00632/OUTE

STATUTORY DECISION DATE: 7th June 2019

WARD/PARISH: HEIGHINGTON AND CONISCLIFFE

LOCATION: Land North Of Coniscliffe Road DARLINGTON

DESCRIPTION: Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access (Additional Phasing Plan and Noise Assessment and Amended Flood Risk Assessment and Masterplan received 8 November 2017; additional Archaeology Report received 7 February 2018; additional Transport Assessment Addendum and additional Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019)

APPLICANT: Taylor Wimpey UK Limited

APPLICATION AND SITE DESCRIPTION

The application site is "T shaped" and measures 28.27 hectares on the western edge of Darlington bounded by the Baydale Beck to the east, agricultural fields and Staindrop Road to the north, Coniscliffe Road A67 to the south, and by a community woodland, agricultural land and Merrybent Drive alongside the A1 (M) to the west. The site is currently in arable use.

Further to the east of the site, on the opposite side of the Beck lies existing residential development of Mowden housing estate and Broken Scar Water Treatment Works. To the south of the site lies Coniscliffe Road A67, River Tees and Low Coniscliffe.

The existing rights of way network includes routes across the site connecting to Coniscliffe Road, Staindrop Road and Baydale Beck. Footpaths to the east and the north of the site provide linkages to Cockerton, Banksome and West Park.

This is an outline planning application to redevelop the site for residential purposes for up to 535 dwellings, including affordable housing, with all matters reserved apart from the means of access, which would be from Coniscliffe Road. The scheme includes elements of open space, landscaping and a surface water drainage scheme including SUDs basins. Matters such as landscaping, layout, appearance and scale will be considered as part of future Reserved Matters submissions.

It is envisaged that the site would be brought forward in phases. The construction programme for the site has yet to be fully determined and is dependent on timescales for receiving outline planning permission and then the subsequent reserved matters approval. It is, however, envisaged that a start on-site will be made in 2020 with the first completions taking place in late 2020 / early 2021.

Planning Obligations

The applicant has agreed to enter into a Section 106 Agreement to secure financial contributions towards the following:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

Masterplan and Planning Application Reference number 16/00636/OUTE

The planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the north and the planning application (ref no: 16/00636/OUTE) also forms part of this Agenda.

The planning application to the north has been submitted by Gladman Developments Limited and both applicants have worked together, in conjunction with the Council to produce the Masterplan upon which the individual applications are based.

Overall, the Masterplan covers an area of 76.78 hectares and will deliver a range of benefits for the local community and meet the housing requirement for Darlington Borough Council. The development will create up to 1,520 dwellings (42.54 hectares), along with a range of facilities to meet the needs of the growing community including a local convenience store (0.2 hectares), a primary school (1.83 hectares), a GP Surgery (0.37 hectares) and recreational facilities all set within public open space (29.43 hectares). There would also be equipped play areas, SUDs basins, playing fields and parking provision.

The Masterplan shows the indicative arrangement of new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes).

Statement of Community Involvement

Gladman Developments and Taylor Wimpey engaged in a process of community engagement with the residents of Darlington on the wider Masterplan in advance of submitting this application.

Full details of this have been set out in the Statement of Community Involvement submitted with this application.

A public consultation event was held at Darlington Mowden Junior School on the 9th November 2016. A series of nine exhibition boards were displayed to the public introducing the scheme and illustrating the design development. Members of the public had the opportunity to discuss the proposals with representatives from the design team. The public were also invited to comment upon the draft development proposals.

Letters were also sent to appropriate stakeholders and meetings were held with certain groups including the Low Coniscliffe and Merrybent Parish Council and the local Action Group. A presentation was made to Members of Darlington Borough Council in January 2017.

The responses to these exercises were wide ranging which were responded to by both applicants. One of the main changes that evolved following this exercise was the inclusion of a GP within the 16/00636/OUTE site.

The above process was carried out in accordance with the Council's Statement of Community Involvement document.

Environmental Impact Assessment

Since the planning application has been submitted the Department for Communities and Local Government (DCLG) deemed that the application is an Environmental Impact Assessment development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application. The ES considers the impact of the development under the following headings:

1. Traffic and Transport;
2. Air Quality
3. Noise and Vibration

Officers are satisfied that the content of the ES meets the Screening Direction that was issued by the DCLG. The EIA has been advertised and consulted upon in accordance with the Regulations 2017 and a copy of the Non-Technical Summary has been forwarded to the DCLG on behalf of the Secretary of State.

The "Call In" Request

Members are advised that the Secretary of State (the National Planning Casebook Unit) has been requested by a third party to "call in" the planning application. It is normal practice for the Local Planning Authority to determine the planning application and then if the application has been minded by Members to be approved the Secretary of State

will consider the request and then advise the Council as to whether the Secretary of State wishes to call in the planning application

Application documents, detailed plans, the Environmental Statement, consultation responses, representations received and other background papers are available on the Darlington Borough Council website

PLANNING HISTORY

The most recent planning history for the site is:

10/00574/DC In October 2010 planning permission was GRANTED for the construct of bridleway and bridge

RESULTS OF CONSULTATION AND PUBLICITY

The Local Planning Authority issued 1790 consultation letters with local residents and erected a number of Site Notices and placed an advert in the Local Press when the application was first received and also when the Environmental Statement and additional information was received. A total of 260 letters of objection and 4 letters of representation have been received and the comments can be summarised as follows:

- *It is unlikely that the employment of those new people in the new development will be in the town of Darlington*
- *Any significant increase in traffic upon Coniscliffe Road/Cockerton/Elm Ridge will affect the convenience and safety of local road users*
- *There is no current infrastructure in respect of senior schools*
- *There is a lack of a secondary school*
- *The current and proposed road changes will be insufficient to meet the increased level of traffic in the immediate area*
- *This is being built upon green belt farmland and this will be an ecological loss to the whole area*
- *Far more detailed survey of traffic movements should be undertaken*
- *Baydale Beck is a floodplain*
- *Northumbrian Water has a major chlorine store at the Water treatment Works*
- *The wildlife will be greatly endangered*
- *Darlington had many other residential sites identified and on the radar well before this difficult site, why are these not being brought forward if we have such an urgent need to houses*
- *The development will cause the loss of more arable and green land at an attractive approach to Darlington*
- *This will create air pollution, noise and light pollution and will contaminate Baydale Beck*
- *Contravention of Public Rights of Way*
- *Increase of costs to support extra Police/Fire and ambulance services*
- *Increased pressure on social services*
- *There is no details on garages, drives and parking areas for the new dwellings*
- *The development will decrease air quality*
- *This area of countryside will be taken away*
- *There will be a need for traffic calming measures*

- *Schools are already over capacity*
- *Why does Darlington need extra housing?*
- *Residential parking on Coniscliffe Road will have road safety implications*
- *The increase in surface water runoff from the area will impact on the Baydale Beck and the area between the Beck and housing*
- *The Beck cannot take any more volume as it is at its maximum from the present housing on Mowden and drainage pipes get blocked with silt and rubbish causing blockages*
- *There has already been too many houses built recently in the area such as Merrybent Drive*
- *There is a real danger of losing all green spaces directly around us and becoming absorbed into the town*
- *This has been submitted to provide a pension for the landowner*
- *The scheme does not address the current need for affordable homes*
- *This planning application and the site to the north should be looked at as a whole and not as separate applications*
- *This development will have an adverse impact on the work that has already been done to preserve and conserve wildlife, habitat and fauna*
- *Healthcare facilities will not be able to cope with this increase in population*
- *This development will increase the reliability of the motor car rather than encourage cyclists and walking*
- *The road into the development will be extremely hazardous*
- *There is a lack of facilities for young people*
- *Broadband connection on this area of Mowden is already very slow and this development will stretch the service further*
- *The site lies outside of development limits*
- *There will be an increase in dust pollution*
- *The area is already congested at peak times and cannot take any more vehicles*
- *When will the proposed school be built?*
- *The spine road will be a "rat run"*
- *The land should be kept as agricultural land*
- *There are insufficient community facilities within the development*
- *Where are the jobs for these new people?*
- *Splitting the scheme into two has allowed you to make two traffic impact assessments when clearly it should be considered as a whole.*
- *New infrastructure should be in place before a development of this size is undertaken and this is definitely not the case with this application.*
- *More cars on the road will lead to pedestrian safety concerns*
- *A safe cycle route is required showing safe links to offsite facilities and on Coniscliffe Road between the access point and existing cycles lanes*
- *The land proposed for a school will not be built so more houses will be built instead*
- *The Beck floods regularly and we are concerned that the development will lead to the creation of a floodplain on the fields behind existing houses putting them at risk*
- *Is there a demand for housing when taking account of all the other housing developments taking place?*

- *There is no evidence that there is a need for a development of this scale*
- *The development is urban sprawl*
- *Building a school so close to the motorway will put pupils at risk from dangerous roads and pollution*
- *The development are likely to have a detrimental impact on great crested newts*
- *The development will have a negative impact on the environment*
- *An increase of vehicles in the area from the new estates would cause immense pressure on the local road network even with the proposed traffic measures*
- *There are no traffic mitigation measures being planned around Elm Ridge roundabout despite the traffic plan showing over capacity*
- *It is clearly fundamentally incorrect that the new housing estate will be entering the town via public transport, cycle or walking as per the traffic model*
- *There is no consideration to allow traffic to exit the town onto the A1 unless it uses Blands Corner roundabout or West Auckland Road which are already heavily congested*
- *As there is only one shop, the existing shops on Mowden will be used and there is insufficient parking there at present for the Mowden community*
- *The Baydale Beck has a history of flooding problems*
- *This development will increase levels of antisocial behaviour*
- *The Council should take into account the Low Coniscliffe and Merrybent Parish Council Neighbourhood Plan*
- *The development is contrary to local development plan policies*
- *The development will have an adverse impact on the existing footpaths and bridleways in the area which are currently enjoyed very well used. The area will change from a rural green belt area to a built up area*
- *These open areas should be safeguarded in times of mental health problems, rising obesity*
- *Other brownfield sites should be built upon*
- *The provision of sustainable transport does not work*
- *The extent of the buffer zone between the Beck and the new housing is not sufficient*
- *We don't agree with the comments from the Bird Club that the site is not important for birds*
- *Environmental damage would result during and following construction*
- *I don't feel this proposal will bring greater prosperity to Darlington as the negative aspects outweigh any positives for those living here*
- *More road journeys will result in more wear and tear and associated repairs to the existing roads, drainage and other buried services*
- *It is quite disconcerting that the Environment Agency refers to and recommends conditions in line with the submitted Flood Risk Assessment*
- *The Council do not need this site to meet the 5 year housing land supply requirement*
- *The farmland should be protected for food production*
- *The development would have an adverse impact on the A1 (M) and the A66 (M)*
- *These proposals will lead to the destruction of one of the best natural landscapes on the outskirts of Darlington*

- *The new environmental report does not in my opinion adequately address the noise from the motorway and as far as I could comprehend a 1.6m high wooden fence would be the answer to keeping noise levels to within the 55Db limit!*
- *The Council still does not have a robust development plan, but importantly the previous principles should still count, and until this plan is approved maybe all large developments applications should be suspended*
- *If a shortfall is the case in the longer term and without an approved Local Plan then I assume it would be good practice to bring forward all identified sites under the 2010 plan and continue to explore all brownfield sites eg DSRM Whessoe Road and include all council owned land*
- *The proposal is premature, in view of the forthcoming Low Coniscliffe and Merrybent Parish Neighbourhood Plan and the Council's Local Plan*
- *The proposal would be site on greenfield, contrary to the Council's Green Infrastructure Strategy and would result in the loss of high grade agricultural land of future benefit to the local community and farming industry*
- *The proposal is contrary to policy E2 of the Local Plan and CS1 of the Core Strategy*
- *The proposal would have a detrimental effect on local highways infrastructure due to a significance increase in traffic estimated at a further 1200 vehicles movements per day*
- *The proposal would have a harmful and detrimental effect on wildlife and the environment due to ground contamination, noise and air pollution from the construction phases*
- *The proposal would be harmful to the wildlife and natural landscape, highly valued by the local community;*
- *The proposal is contrary to the Low Coniscliffe and Merrybent Neighbourhood Plan which is representative of the Parish Community*
- *The proposal is unsustainable from environmental, social and economic perspectives*
- *The Council cannot already demonstrate a housing land supply well in excess of 5 years and do not need this development*
- *The development is unsustainable as there are no facilities and services within this area*
- *The development will create further urban crawl*
- *Noise from both the A1(M) and the A67 should render these developments inappropriate*
- *Any amenities proposed are inadequate for a development of such a large scale*
- *There is no community or social centre or proposal for medical provision*

Darlington Friends of the Earth submitted two detailed responses objecting to the planning application. The comments can be summarised as follows:

- *It will be contrary to the Council's Green Infrastructure Strategy and to a number of Core Strategic planning policies*
- *The development will exacerbate traffic congestion and degrade air quality with major implications on the wider highway network*
- *The loss of farmland and the increase in built up areas increases the risk of Staindrop Road being flooded from the Baydale Beck*

- *The site is close to Broken Scar Water Treatment Works. What mitigation measures are in place should there be a leak of chlorine gas?*
- *It is very unfortunate that biodiversity has been scoped out of the EIA process but we considered there will be a habitat loss for farmland and riparian birds which are likely to disappear from the area*
- *The developments will be contrary to the Council's local development plan policies and intentions*
- *The developments will be contrary to National Planning Policy Framework which requires planning decisions to enhance the natural environment*
- *These two developments should be considered as one. It will negatively impact upon the wildlife, the air quality (increased traffic), lack of secondary schooling in the immediate area. There is also a considerable quantity of additional housing under construction and one must question the need for more on green land*

The Darlington Bird Club has commented with two detailed responses objecting to the application which can be summarised as follows:

- *Whilst I cannot object to the application on the basis that these sites are presently important for birds, I am very concerned that the application appear contrary to the Council's Green Infrastructure and local planning policies and this has to be taken tin consideration*
- *It is unfortunate that biodiversity has been scoped out of the EIA as the impacts of the proposed development on the enhancement of the Baydale Beck is vital to assess*

The Campaign for the Protection of Rural England has submitted a detailed objection to the application. They have objected on the following grounds:

- *The need for this proposal*
- *Prematurity*
- *The proposed use of a large greenfield site*
- *Conflict with the Darlington Infrastructure Strategy*
- *Traffic Issues*
- *Noise Issues*
- *Conflict with other development plan policies*

The Campaign for the Protection of Rural England submitted further comments disagreeing with the Council's planning policy position and requests that the applications are not determined until the Emerging Local Plan has undergone an Examination in Public

Low Coniscliffe and Merrybent Parish Council has objected to the planning application. The detailed response can be summarised as follows:

- *The proposed development lies in the open countryside and outside of the Darlington settlement boundary and it would result in coalescence. The development is contrary to planning policy*

- *The NPPF and the presumption in favour of sustainable development does not change the statutory purpose of the development plan and there are no material planning considerations carrying sufficient weight to justify development contrary to it*
- *The application site lies within a Minerals Safeguarding Area and no evidence has been provided to demonstrate the need for the development outweighs the need for the mineral resource and the development is contrary to development plan policy*
- *The Annual Position Statement on the five year housing land supply position has not been considered by the Secretary of State*
- *The emerging Local Plan cannot be relied upon as part of the decision making process*
- *The position statement clearly illustrates that recent completion rates are very high. Whilst the housing requirement figures are not a ceiling, given the substantial level of land available within the current five year period and the uncertainty over the soundness of the emerging Local Plan, it is submitted that the application should be refused as it is premature. Paragraph 49 of the NPPF sets out limited circumstances where a refusal on the grounds of prematurity may be appropriate*
- *The proposal is clearly contrary to a number of policies within the Low Coniscliffe and Merrybent Neighbourhood Plan*
- *The Parish Council share the expressed concerns that residents have already raised in objection to the planning application regarding highway impacts. I would ask the planning authority and its consultees to carefully scrutinise the data on which the conclusions of the EIA are based as the suggestion that with minor junction improvements and a travel plan the highway impacts will be negligible is far from convincing*

Jenny Chapman MP has contacted the Council having been contacted by a constituent and another resident who wished to remain anonymous. The letter states:

- *Both have contacted me about the impact of the proposed Coniscliffe Park developments. In summary they are worried about the scale of this development, the impact on traffic and congestion, the loss of amenities, the potential impact on wildlife and the environment more generally, and the potential for part of the site to be flooded. Given the scale and potential impact of this development, I share my constituents concerns*

Phil Wilson MP has contacted the local planning authority with a letter of objection from a local resident from Westbeck Grove.

Consultee Responses

The **Council's Highways Engineer** has raised no objections subject to the imposition on appropriate planning conditions

The **Council's Environmental Health Officer** has raised no objections subject to the imposition of conditions relating to land contamination; construction impacts and noise

The **Council's Sustainable Transport Officer** has provided advice on the planning application and requested planning obligations

The **Council's Historic Asset Officer** has raised no objections

The **Council's Senior Ecology and Landscape Officer** has requested the imposition of planning conditions

The **Council's Senior Arboricultural Officer** has requested the submission of tree reports and protective fencing which all be secured by planning conditions

The **Council's Countryside Access Officer** has raised no objections to the proposed development

Historic England has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

Northern Gas Networks has raised no objections

Northumbrian Water has raised no objections subject to the imposition of planning conditions

The **Durham Constabulary Architectural Liaison Officer** has provided general "Crime Prevention through Environmental Design" advice in relation to safety and security measures for housing developments

Highways England has raised no objections to the development and withdrawn their holding objection subject to the imposition of planning conditions relating to a detailed scheme for the off-site highway improvement works at Bland's Corner

Environment Agency has raised no objections subject to the imposition of planning conditions relate to flood risk, drainage and ecology

The **Lead Local Flood Authority** has raised no objections subject to the imposition of conditions relating to drainage

The **Durham County Council Archaeology Team** has requested the imposition of planning conditions

Sport England support the planning application provided that playing pitches are used by the community and maintenance costs are secured.

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

Saved Borough of Darlington Local Plan 1997

E2 Development Limits

E12 Trees and Development

E14 Landscaping and Development

H7 Areas of Housing Restraint

Darlington Core Strategy Development Plan Document 2011

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)

CS2 Achieving High Quality, Sustainable Design

CS3 Promoting Renewable Energy

CS4 Developer Contributions

CS10 New Housing Development (parts out of date)

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

CS17 Delivering a Multifunctional Green Infrastructure Network

CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

Tees Valley Minerals Waste Core Strategy 2011

MWC4: Safeguarding of Minerals Resources from Sterilisation

National Planning Policy Framework 2019

Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)

LCM 1: Landscape

LCM 2: Tranquillity

LCM 3: Green Infrastructure

LCM 5: Biodiversity

LCM 6: Wildlife Corridors

LCM 8: Design

LCM 11: General location of new development (Settlement Boundaries)

LCM 18: Transport and New Developments

LCM 19: Public Rights of Way

Other Documents

Planning Obligations SPD 2013

Design of New Development SPD 2011

Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)

PLANNING ISSUES

The main issues to be considered here is whether the proposed development is acceptable in the following terms:

- Planning Policy
- Impact upon the Mineral Safeguarding Area
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of Agricultural Land
- Design and Layout and Impact on the Character and Appearance of the Area
- Highway Safety
- Residential Amenity
- Flood Risk and Drainage
- Air Quality
- Noise
- Land Contamination
- Impact on the Setting of Heritage Assets
- Impact on Existing Trees and Landscaping
- Impact on Footpaths and Public Rights of Way
- Ecology
- Affordable Housing
- Sport Provision
- School Places
- Developer Contributions
- Delivery

Planning Policy

Planning law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

In relation to housing, the NPPF (2019) requires local authorities to plan positively for housing development to meet the needs of their area.

The Ministry for Housing Communities and Local Government announced that Councils should start using the government’s new standard method for assessing housing need immediately when determining applications. National Planning Policy Guidance has also been updated to reflect this. The guidance states, housing requirement figures identified in strategic policies should be used as the starting point for calculating the five year land supply figure for the first five years of the plan and where the strategic housing policies are more than 5 years old, but have been reviewed and are found not to need updating. In other circumstances, the starting point for calculating the five year land supply will be local housing need using the standard method. Utilising the local housing need figure for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council considers that a 17 year 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 tilted balance in para 11 of the NPPF (2019) is not engaged.

A 5% buffer has been applied to the five year supply figure. The Council has produced a Five Year Housing Land Supply Position Statement (April 2019) which sets out the housing land supply position for the period 1 April 2019 to 31 March 2024, when measured against the local housing need figure.

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, sustainable and deliverable for housing development in the emerging Local Plan.

The aim of saved policy E2 of the Local Plan 1997 is to direct new development to within the development limits and to safeguard the character and appearance of the countryside. The application site is located beyond the development limits of the main urban area and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington’s Sub-Regional Role and Locational Strategy) of the Core Strategy (2011).

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 policy E2 there are other material considerations which should be considered in the planning balance.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. Evidence base work to support the emerging Local Plan included an update to the Strategic Housing Market Assessment which was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This housing requirement is significantly higher than the Government's local housing need figure for Darlington. The Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. In line with Government policy and guidance, the emerging Local Plan can only be afforded limited weight at this stage in its preparation. As outlined above, the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure (177), which does include the application site. However, once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted. In effect the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

It is important to note that the second part of saved policy E2 relating to the protection of the character and appearance of the countryside is still relevant and the impact of the development on the countryside should be considered in the planning balance. It is set out elsewhere in this Report that it is considered that residential development on this site would not have a significant impact on the character and appearance of the countryside.

The site is an extension to the existing urban area potentially with access to existing services /facilities and also adjacent to one of the main highway routes into the town and public transport services. Although each application should be considered on its own merits, as outlined above, the Council is also currently considering an outline application to the north of this site for up to 985 dwellings, convenience store, land for a primary school and early year's school and a sports pitch. A joint design and access statement and master plan has been prepared for the sites to ensure a cohesive approach. If the larger northern site is approved, the facilities and services proposed would improve the sustainability of this southern site. However, if the applications are not co-dependent, consideration should be given to the sustainability of this development should it be delivered in isolation

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036)

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) was examined by an independent examiner earlier this year. The examiner's report recommended that the Neighbourhood Plan could proceed to referendum subject to a number of modifications to the plan. The Council agreed with the examiners recommendations and a referendum is scheduled to take place on the 23rd May 2019.

Paragraph 48 of the NPPF (2019) sets out how much weight should be given to relevant policies in emerging plans. Factors to consider include the stage of preparation, the extent to which there are unresolved objectives to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The Neighbourhood Planning Act 2017 also sets out that a local planning authority has to have regard to a 'post-examination', unmade neighbourhood plan as a material consideration in the determination of planning applications.

In view of the above, as the Neighbourhood Plan is post-examination, some weight can be given to relevant policies. The most relevant policy to the proposal is LCM11 (General location of new development). The proposal would be located outside of the settlement boundary as shown in the Neighbourhood Plan policies map and would be contrary to LCM11 (General location of new development). Other site specific related policies would include LCM 6 (Wildlife Corridors) and LCM 19 (Public Rights of Way).

Although the application site is outside of settlement boundaries, it is not for neighbourhood plans to set strategic policies or to allocate strategic sites. As set out in paragraph 13 of the NPPF a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies. The purpose of neighbourhood planning is to address more local needs and issues. The application site is a major residential scheme and forms part of a strategic allocation in the emerging Local Plan. In view of this and given the other material planning considerations outlined above, these factors outweigh any policy concerns in terms of the conflict with the Neighbourhood Plan.

Housing Need

Concerns have been raised from objectors to the application that there is no need for new housing given the Council's current five year land supply position and local housing need figure. It has also been commented that the housing requirement in the emerging Local Plan is untested at examination and therefore it would be unsafe to grant permission on this information. As outlined above the Council considers that there is clear evidence to justify a higher housing requirement and this is a material planning consideration. If emerging allocations are not supported, once the Local Plan is adopted, there is the danger of not being able to demonstrate a five year supply and not meeting the overall housing needs identified within the evidence base. It is important to note that the local housing need figure is very much a minimum starting point for local authorities and Darlington has delivered substantially above this figure over the last two financial years, supporting the Council's evidence that there is a higher housing need.

The scheme also generally supports the Government's objective of significantly boosting the supply of housing.

Prematurity of the Planning Application

A further concern raised was that granting permission for the site would prejudice the Local Plan process, as such the application should be refused on prematurity grounds. A High Court decision for a large housing development in Cornwall was referred to as this scheme was refused as it would have been premature in advance of an emerging Core Strategy (*Wainhomes (south west) Holdings Ltd vs Secretary of State for Communities and Local Government (2012) EWHC 914*).

Paragraph 49 of the NPPF sets out circumstances where applications should be refused on prematurity grounds. Where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to say, where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

There are no concerns in terms of the application undermining the emerging Darlington Local Plan as the site is a proposed allocation. Although the plan is not in the final stages of the plan-making process, the site is considered to be suitable for residential development and a draft plan including the site was subject to a full public consultation during summer 2018. It should also be noted that the High Court decision provided as an example is not directly comparable to this application. The Cornwall emerging Core Strategy was at very early stages of preparation and at the time of the planning inquiry consultation had not yet been undertaken on housing requirement, locational strategy or strategic site options. Consequently, there were grounds for refusal as granting permission would undermine the process; reduce choices in terms of site selection and would deny the community the opportunity of determining its preferred choice of housing sites.

It has been emphasised that the proposal is contrary to the development plan and therefore the decision maker's initial stance must be adverse to the grant of planning permission. This is acknowledged and is recognised in paragraph 12 of the NPPF which states that the development plan is the starting point for decision making. However, the paragraph goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is a case where the application under consideration is contrary to policies of the existing development plan, however there are other material considerations, which have been

outlined above, which outweigh this conflict and indicate that the plan should not be followed.

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

Impact upon the Mineral Safeguarding Area

The site is within a minerals safeguarding area in the Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document. Policy MWC4 of the Strategy specifies that non-mineral development will only be permitted if:

1. The development would not sterilise or prejudice the future extraction of the mineral
2. resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way so there is evidence that the resource has been sufficiently depleted by previous extraction; or
3. The mineral will be extracted prior to the development and this will not significantly
4. adversely affect the timing and viability of the non-minerals development; or
5. The need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource

The applicant has sought advice from ID Geo-Environmental who have undertaken intrusive site investigations on the site and have provided the following comments:

“Boreholes adjacent to the site indicate limestone at a depth of approximately 40.0m, extending to a maximum depth of 84.0m bgl. Given the location of the site, adjacent to housing and a main highway into Darlington town centre, it is extremely unlikely that it would gain planning permission for deep quarrying. Significant land would be required for the temporary storage of the stripped overburden and a large number of heavy vehicle journeys over many years would be required to make the quarrying operation viable, if it ever could be.”

Therefore, extracting the limestone prior to the development taking place, this would not be appropriate given the depth of the deposits and the location of the site immediately adjacent to the main urban area of Darlington. Quarrying in this location would have considerable amenity implications on local residents. Moreover, the removal of deposits at this depth would then render the site unsuitable for residential development.

Furthermore, the need to provide sustainable deliverable housing sites has to be considered against the limited potential of the site to be used for mineral extraction and it is not considered that the site should be safeguarded from development of the type being proposed and impacts would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough.

Impact on non-designated Heritage Assets (Archaeology)

Paragraph 197 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It goes on to state that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 199 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

A Heritage Assessment submitted in support of the application included a desk based archaeological assessment of the site, as well as the results of a geophysical survey of the site, which identified a number of possible and probable features of archaeological origin. The geophysical survey report identified a number of potential archaeological features but the exact nature, extent and survival of the remains was unclear. This meant it was not possible to accurately assess the significance of the features.

Archaeological Services (WYAS) conducted a further archaeological evaluation on the application site. In terms of its objectives, the archaeological evaluation was generally successful. The site comprised individual fields which were assigned an Area number (1-5). Areas 1-3 were situated on gentle south-facing slopes. Area 4 was flat. Area 5 was a narrow strip of land between Area 4 and the Baydale Beck and was used as pasture. The remaining areas of land (Areas 1-4) had been ploughed flat and the land use was arable, with the ground surfaces at the time of the evaluation comprising stubble or harrowed ground.

In Areas 1 and 2, the results confirmed the interpretation of the geophysical survey and were able to offer some interpretation. In Area 3, the evaluation confirmed the presence of features that were interpreted as WWI fieldworks, probably in the form of practice trenches. In general, the preservation of the features was good, but the number of recovered finds was few. Area 4 contained the remains of truncated ditches and gullies which confirmed the interpretation of the geophysical survey. Most of the features remain undated although some correlate closely with depictions of field boundaries on cartographic sources. Area 5 was covered by a bund of modern made ground which in places exceeded 1.2m.

The Archaeology Team from Durham County Council has advised that the submitted Evaluation confirms that archaeological remains worthy of further investigation were encountered on part of the site, in areas 3 and 4. Accordingly, I have advised that a condition should be placed on any permission granted for mitigation works to be carried out in these areas prior to development and the works needed would be of a strip map and sample type exercise. A further condition has been requested to secure the recording and publication of any findings.

Loss of Agricultural Land

The NPPF states 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.

The MAFF Agricultural Land Classification map indicates that the classification is Grade 3 (Good to Moderate) across the application site. It is acknowledged that the development proposals will result in the loss of agricultural land but there is a significant amount of higher grade agricultural land to the west and also along the River Tees. The loss of agricultural land would not be significant in the context of the land available for agricultural purposes throughout the rest of the Borough. It is also considered that the considerable material benefits, such as the need to deliver housing in sustainable locations that would derive from the development proposals would considerably outweigh the loss of agricultural land on the urban fringe.

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

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

The second point of saved policy E2 of the Local Plan that seeks to ensure that any development that is located outside of the development limits does not unacceptably harm the character and appearance of the rural area is still valid as it is broadly consistent with guidance contained within the NPPF and is therefore relevant to the consideration of matters of character and appearance.

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species and which enhances the appearance of the development and its setting.

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

"This character area adjoins the western boundary of Darlington. The settlements of High Coniscliffe and Merrybent are located on the A67 to the south, and the villages of

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

The wider site is situated on gently sloping and undulating land which falls to the south towards the River Tees and to the east towards the Baydale Beck. The site comprises of several agricultural fields, the vast majority of which are currently under arable use. A rather degraded structure occurs where intensive agricultural use has resulted in narrow field margins. Consequently much the site is lacking in any significant vegetation cover or other internal features of value. Along the field boundaries variable vegetation cover occurs depending on the presence of hedgerows. The majority of hedgerows are low clipped with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However the site itself is not considered to be of high quality nor in good condition.

As stated this planning application is based on a Masterplan for redeveloping a wider site and the planning application has been supported by a Design and Access Statement and a Landscape and Visual Impact Assessment which outlines the evolution of the Masterplan and considers the impact of redeveloping the whole site and the design principles that would then be incorporated into future Reserved Matters submissions.

The planning application is to redevelop the site for residential purposes comprising up to 535 dwellings. Design and Access Statements states that the development will provide for a mix of dwellings and house types, ranging from 2-5 bedroom units. The open space consists of a series of green corridors spanning through the site. These will include informal footpaths and areas of amenity and meadow grassland to provide for recreational activity and to enhance biodiversity. Open space will be provided to the east of the development, providing a strong green buffer and public accessible open space adjacent to Baydale Beck. Strategic open space will be provided within the western part of the site which will include formal sports pitches and playing pitches. Areas of green infrastructure will also include space for habitats and wildlife, with access to nature for residents.

To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition recreational footpath connections are provided through the

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

The layout of streets would provide a safe and well overlooked public realm and the streets would be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

A Landscape and Visual Impact Assessment submitted in support of the application concludes that the site has the potential to accommodate a well-planned residential development without causing significant harm to the wider settlement or local landscape context. The scale and size of the development would be in keeping with the existing residential character at the edge of Darlington.

The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south) and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected and a high quality residential development could be created which minimises detrimental environmental effects.

Officers accept the findings of the Assessment and whilst such matters will be considered as one detail with the submission of Reserved Matters application, the layout of the Masterplan shows that the site can be satisfactorily redeveloped for residential purposes. A planning condition would be imposed to ensure the Reserved Matters submissions are carried out in accordance with the Masterplan.

Highway Safety

Policy CS2 (Achieving High Quality Sustainable Design) of the Core Strategy seeks to ensure that new developments provide vehicular access and parking provision that is suitable for its use and location reflecting the standards set out in the Tees Valley Design Guide and Specification.

A single priority controlled T junction will be formed onto Coniscliffe Road to serve the application site. The access incorporates a ghost island right turn in order to increase capacity and the existing layby would be retained. Visibility splays have been provided. A spine road to create a north south link between the A67 Coniscliffe Road and B6279 Staindrop Road forming a partial bypass of Darlington and providing an alternative route to the B6280 (Carmel Road North) to the east of the site.

In order to mitigate the highway impacts of this site and the site to the north (ref no: 17/00636/OUTE) there are off site highway works being proposed.

Cockerton Improvements

A scheme was developed in order to mitigate future development traffic and it is assumed that these committed improvements would be implemented by 2030/2032. This scheme involves replacing the existing mini roundabouts with standard

roundabouts and some entry lane widening. Following discussions with the Council, a scheme has been agreed to develop the committed improvement scheme with additional widening.

Blands Corner Mitigation

This proposed scheme comprises several elements:

- Widening of the exit from the roundabout onto the A66 (east) to provide two lanes on the immediate exit for a distance of 200m followed by a length of merge taper with ghost island hatching to the offside and a further length of merge taper to the existing single carriageway. This includes increasing the size of the pedestrian splitter island on this arm to minimise the crossing distance on this exit from the roundabout
- Widening of A67 Carmel Road South on its eastern side to provide a longer length of two lane entry at the roundabout and;
- Amendments to the road markings and signing on the approach to the roundabout on the A66 (westbound) to provide additional entry capacity

Sustainable Transport Matters

The closest bus stop to the site is on Coniscliffe Road. The X75 is a half hourly service and two hourly on a Sunday – there is no evening service throughout the week. 80% or more of the application site is approx. 700m from these stops and is therefore outside of the Council's acceptable walking distance. The whole site is therefore not accessible by bus and a new bus service would need to be pump primed in order for 80% or more of the site to be within an acceptable walking distance to a bus stop. This pump primed service should be half hourly as a minimum and provided for at least 5 years with an appropriate trigger to give this service the best opportunity to become commercial. A bus subsidy would be secured by a planning obligation within a Section 106 Agreement along with the trigger points for payments.

From the site access a footpath to link to the east along Coniscliffe Road will be provided. This section of footpath should be lit in order to provide a safe route to school.

Within the Design and Access Statement, the main avenue is proposed to include a 3m shared footway/cycleway along one side which is welcomed and links should be made from this shared space to other routes throughout the site. Permeability of the site is key and links to existing foot and cycle paths alongside the west of Baydale Beck along with pedestrian links across Baydale Beck (there is an existing bridge which would be retained). This again is welcomed and potential to make links into the existing estates should be made.

As the main avenue meets Coniscliffe Road the 3m shared footway/cycleway along one side will come to an end. It would be beneficial to continue this shared path west along Coniscliffe Road, near the layby to meet the existing bridleway forming somewhat of a circular route for cyclists (this would also benefit bus users using Gate Lane Inbound as the footway would be improved). Repeating this to the East and continuing this shared use path from the site along Coniscliffe Road to meet the other existing footpath/cycleway near the 'works' would provide another circular route. An extension to

the cycle lanes on Coniscliffe Road to this point would provide good cycle connectivity from the site.

A sustainable transport contribution will be sought via the Section 106 Agreement for a contribution towards a bus subsidy, an on road cycle route on Coniscliffe Road, Travel Plan Measures and Personalised Travel Planning (PTP) programme

Impact on the Local Highway Network

A Transport Assessment has been provided in support of this application to assess the cumulative impact of both this site and the site to the north (planning application reference number 17/00636/OUTE).

The Transport Assessment presents expected vehicular trip rates based on TRICS analysis. The TRICS rates used are of the correct order of magnitude for the size and location of development and this would show that around 1000 two way trips in total from both developments are generated in the AM and PM peak periods for the housing element distributed around the wider highway network. Due to the scale of the development, an area wide microsimulation model was requested to assess the impact of the two developments.

A Transport Assessment Addendum has also been produced to summarise the further modelling work that have been carried out to date as part of the background information for the planning application.

A validated Aimsun model was developed to cover the north-western quadrant of the town, with its extents stretching from the A1 (M) to the west, the inner ring road to the east and Blands Corner to the south. The Aimsun model covers the AM peak (07:45-08:45) and PM peak (17:00-1800) periods and this has been validated by traffic surveys (manual classified counts), ATC counts, journey time surveys and queue observations. Timings for the traffic signal junctions were provided by the Council to incorporate in the model as well as bus service data.

National Guidance (DMRB) dictates that traffic models should be satisfactorily calibrated and validated and that modelled journey times should be within 15% (or 1 minute if higher) as compared to the observed journey times for 85% of the routes or higher. It has been demonstrated that the base 2016 Aimsun model meets the DMRB criteria.

Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Tempo growth (base year traffic growth with Tempo over the network plus committed development including west park and Faverdale business park). The results of the modelling show that mitigation schemes at Cockerton Roundabouts and Blands Corner on the A66 are required on the wider highway network to equal or better the journey times when reviewed against the base scenario in 2032. The modelling work has been independently verified by a consultant employed by the Council to not only review this application, but to review the wider local plan scenarios and has also been agreed with Highways England with reference to works on their network.

The development will be subject to a Section 106 agreement, which will include a financial contribution to the above off-site mitigation works which will be paid on trigger points based on development build out rates. The link road from Staindrop Road to Coniscliffe Road will be required to be built out based on an agreed trigger point of the occupation of 300 dwellings this and the site to the north (ref no 17/00636/OUTE)

A central spine road running North South through the development and through the proposed site located to the North is a key feature of the development strategy. An access proposal for the junction on Coniscliffe Road serving this application (535 dwellings) has been submitted in the form of a ghost island junction. This has been shown to operate within capacity limits for the generated traffic from the development. The access will also incorporate a revised layby on the A67 as the location of the proposed access junction would compromise the existing arrangement. Visibility splays are appropriate to the speed of the adjoining carriageway and cycle/pedestrian facilities will be provided to link the development into surrounding infrastructure.

This central development spine road will form an arterial link between Staindrop Road and Coniscliffe Road and will need to be of suitable design to enable buses and other large vehicles to pass through. A minimum 6.7m carriageway with a 4.0m shared cycleway footway would need to be provided to one side, with an additional 2.0m footway separated from the carriageway by a 2.0m verge located on the opposite side. Bus stops would need to be in the form of half width laybys located at suitable intervals and locations as advised in conjunction with the Council. Careful consideration will need to be given to the type of dwelling and access arrangements along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network being 20mph.

The road width of other internal highways will be dependent on the numbers of dwellings served; with a 5.5m wide carriageway being suitable for up to 300 dwellings, 300 – 500 dwellings will require an a 6.7m carriageway as will any road that forms part of a bus route. Private shared drives should not be longer than 25m, or alternatively with a bin store located within this distance from the highway boundary, serve no more than 5 dwellings and be of sufficient width to allow access by emergency services.

The internal access roads should be built to adoptable standards of construction, geometry and visibility, and have suitable pedestrian and cycle links to the surrounding infrastructure. Footways should be provided alongside all roads which are developed and be a minimum of 2.0m wide; note all footway and carriageway widths specified are measured between restraints.

Swept path analysis would need to be carried out to demonstrate the internal network will operate satisfactorily for the expected vehicles entering the housing estate including emergency services and refuse vehicles which are now 11.2m long and for all vehicles on the new strategic links including buses and large goods vehicles.

In curtilage parking numbers across the site will need to accord with the latest Tees Valley Design Guidance and in order for garages to count as a parking space they must

be a minimum of 3m x 6m internal dimensions and this is also applied to the dimensions of in-curtilage parking spaces.

A suitable street lighting design will be required to be submitted for approval and agreement should be sought from the Council.

The above specific details of the internal layout of the development have not been provided at this stage as this is an outline application. However, the details can be secured for each phase of the development via the imposition of planning conditions.

The Council's Highways Engineer has advised that, subject to the mitigations measures and the appropriate planning conditions, the proposed development is acceptable in highway terms.

Impact on the Strategic Road Network

An improvement scheme to mitigate the increased traffic impact at the A66/A67/A167 Blands Corner Roundabout is required and following an assessment and a Stage One Road Safety Audit, an agreed design for the upgrade has been approved by Highways England. From the impact of both developments Highways England require that mitigation at Blands Corner is necessary after occupation of 300 dwellings, and to apportion this requirement between the two developments they require that the agreed improvements are operational before 195 dwellings of this development are occupied.

Highways England have raised no objections to the planning application and they have withdrawn their holding objection

Planning Obligations

A Section 106 contribution towards mitigation at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout would need to be secured by a Section 106 Agreement

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF (2019) which seeks to create places with a high standard of amenity for existing and future users (para 127).

The proximity distances that must be met between existing and proposed dwellings and between the new dwellings within the new development are contained within the Council's adopted Supplementary Planning Document - Design for New Development.

There are no dwellings within the immediate proximity of the application site and the spatial relationships between new dwellings within the site will be considered in detail at future Reserved Matters stage.

A planning condition has been imposed to secure the submission of a Construction Management Plan for each phase of the development

The impact of external noise sources upon the future occupants of the development is considered elsewhere in this report, along with air quality.

Flood Risk and Drainage

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy states that new development will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding.

A detailed Flood Risk Assessment and outline drainage management plan has been undertaken with respect to the proposed development which considers the setting of the development and likely impact on surrounding areas. A surface water and foul water drainage strategy has been outlined in the report.

The developable areas of the site are located within Flood Zone 1 and have a low risk of fluvial flooding. Flood Zones 2 and 3 are located to the east of the site along the route of the Baydale Beck. Exiting overland flood flow routes through the development will be maintained within green corridors thus the development is considered to have a low risk of pluvial flooding. There are no other significant sources of flood risk to the development.

The surface and foul water would be disposed of via a mix of the existing infrastructure, SUDs basins and watercourses.

The development sites will require new drainage systems designed to suit the final approved layouts, and in compliance with current Building Regulations and Sewers for Adoption. It is anticipated that the pipe drainage networks will be adopted by Northumbrian Water under a section 104 agreement whilst any SuDS components will be maintained and managed by a private management company.

Northumbrian Water assess the impact of the proposed development on their assets and assess the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has no objections to the proposed development subject to the scheme being carried out in accordance with the submitted Flood Risk Assessment

The Lead Local Flood Authority and the Environment Agency both have no objections to the principle of redeveloping the site for residential purposes but they have requested the imposition of planning conditions.

Air Quality

The Environmental Statement expands upon the original Air Quality Assessment (Revision 3) dated 18 May 2017 submitted with the planning application.

The assessment looks at the impacts on local air quality as a result of the construction phase associated with the proposed development as well as the impact on air quality in the operational phase of the development as a result of road traffic, considering both existing and proposed sensitive receptors.

The Statement has been considered by the Council's Environmental Health Officer.

The Institute of Air Quality Management (IAQM) 'Guidance on the assessment of Dust from Demolition and Construction' (February 2014) was used to assess the construction phase of the proposed development. The report concludes that while the dust emission magnitude is likely to fall into the large category for earthworks, construction works and trackout (given the scale of the development), overall the development is considered to pose a low/medium risk for dust soiling and human health effects. That said it is proposed to adopt appropriate best practice dust control measures and it is considered that any residual impacts from the construction phase will not be significant.

In relation to the operational phase of the development the assessment has considered the changes in air quality given a number of scenarios which included a 2017 baseline year (Scenario 1), 2032 without development in place (Scenario 2), 2032 with development (Scenario 3) and 2032 with the proposed development and cumulative development in place (Scenario 4, which includes adjacent development to the north).

Overall the assessment has concluded that the proposed development is expected to have a minimal impact on pollution concentrations at nearby existing receptors which is predicted to be of negligible significance in accordance with the relevant guidance.

Furthermore, pollution concentrations at proposed receptors are expected to be below the relevant air quality objectives. Taking into account these comments, the Council's Environmental Health Officer considers the proposed development has been determined to be acceptable in terms of its impact on, and sensitivity to, local air quality and appropriate planning conditions can be imposed to control construction impacts.

Noise

The submitted Environmental Statement expands upon the original noise impact assessment and noise statement submitted with the original application.

Daytime and night time noise measurements were taken at 3 locations (on the western, eastern and southern site boundaries) in order to establish typical ambient and background noise levels externally at the site. The site is bound by a proposed housing development site for up to 985 No. dwellings to the north (17/00636/OUT), Broken Scar Treatment Works to the east with existing housing on the Mowden Estate beyond, Coniscliffe Road (A67) and the Baydale Beck Public House to the south, and residential properties to the west, beyond which lies the A1 (M).

The assessment considers three example dwellings (in the locations where monitoring was undertaken) which were considered to be the most exposed to noise in each area of the site (in aiming to represent a 'worst case scenario') and calculates the likely noise levels that will be experienced at the proposed dwellings in these areas. The noise environment at the site is characterised as being predominantly noise from road traffic on the nearby road network particularly from the A1 (M) to the west.

As well as existing noise levels being measured at locations on the site, impacts on noise levels due to an increase in road traffic associated with the proposed developments (this application and the one to the north), as well as committed developments has also been considered/predicted.

The report concludes that for proposed dwellings and associated gardens closest to road traffic noise sources mitigation will be required to ensure suitable noise levels in accordance with the guidance (BS8233:2014 and World Health Organisation Guidelines for Community Noise 1999) are achieved. Potential mitigation is suggested which includes the installation of an acoustic barrier to the north western corner of the site (along with careful consideration of site layout) and certain glazing and ventilation specifications.

The results of the traffic assessment have been used as the basis for determining the change in road traffic noise levels resulting from development generated traffic. Considering the cumulative impact of the proposed development with the adjacent development immediately to the north (worst case), the vast majority of changes on the considered road links are very low. The only link identified as medium impact is link 2 – a section of the B6279. However, the proposed development provides no contribution to this change. Based on this and the sensitivity of the receptors, it is considered that there will be, at worst, a permanent minor adverse effect as a result of development generated road traffic.

In relation to noise from Coniscliffe Grange Farm impacting the site this has not been included in the assessment. Having looked at the noise assessment which accompanied the planning application for the land to the north of this site the Council's Environmental Health Officer is generally satisfied that noise from Coniscliffe Grange Farm is not likely to have an adverse impact on this site given the distance away.

In relation to noise from the Baydale Beck Public House which does have the potential to impact the site particularly any dwellings situated in the most southern part of the development area this has been considered in the information submitted. The assessment concludes that with windows closed with a certain standard of glazing and ventilation specification suitable internal noise levels will be achieved.

Noise and vibration associated with the construction of the development has been considered. It is considered that the effect of construction noise will be moderate adverse at worst for existing and proposed sensitive receptors, with the potential for a major adverse effect over a short term period (based on BS5228:2009). It is detailed that a Construction Environmental Management Plan will be implemented to ensure best practicable measures are put in place with regard to each phase of the proposals in looking to minimise any noise and vibration impacts associated with these works.

The proposed off site highway measures were tested in a model with results showing an increase in capacity at the junctions yet a reduction in delay. The noise assessment has taken into account the traffic flows/data with the mitigation measures in place and considers proposed and existing sensitive receptor locations and the impacts. Since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) this will likely have positive impacts in relation to noise.

Further details on all of the specific mitigation requirements for each phase of the development will need to be considered as part of future Reserved Matters submissions.

Generally the Council's Environmental Health Officer is satisfied with the conclusions of the assessment and considers that with mitigation, the site is suitable for residential development. While further noise assessment work will be required for each phase of development, there are no objections to the principle of the development and the Environmental Health Officer has recommended planning conditions are attached to any planning permission to maintain an element of control over certain aspects of the development in relation to noise.

Land Contamination

A Preliminary Geoenvironmental Appraisal report has been submitted with the application prepared by ID Geoenvironmental Limited (IDG) dated April 2016 (Report No. 4136-G-R001) which looks to assess any geoenvironmental issues and implications for the current and proposed use of the site for development into residential. The scope of the works so far has included a site walkover and inspection, an assessment of the environmental setting and land use history of the site and adjacent area, identification of potential receptors and derivation of a site conceptual model, as well as an assessment of the anticipated foundation and engineering issues associated with redevelopment of the site for a residential end-use, as well as the provision of recommendations for any appropriate ground investigation works.

Council records indicate that the development site has not been identified as potentially contaminated land under Part 2A of the Environmental Protection Act 1990 and in accordance with DEFRA Statutory Guidance (2012) and the Council's Contaminated Sites Inspection Programme (2013). The proposed housing development site does however lie immediately adjacent to Site_01742 Merrybent Wood associated with the former Merrybent Nurseries and Site_00917 Broken Scar Treatment Works.

The report outlines that based on historical maps the development site has mainly been used as agricultural land which is unlikely to have caused ground contamination. However a raised area of made ground has been identified in the south eastern field which is considered to potentially comprise material excavated during the widening of the Baydale Beck (derived from historical maps). The sewage treatment works adjacent to the eastern site boundary, although considered within the report unlikely to be significant, is also a potential source of ground contamination and it is highlighted that any historical buried waste at the site could present a risk of hazardous gas. In addition, contamination was recorded during investigation of the site to the west of the subject site. While this was remediated under planning, the extent of the original contamination and its possible effects on the subject site is not known at this stage. Alluvial deposits adjacent to the eastern site boundary are also considered a potential source of methane and carbon dioxide ground gas.

While the exact site layout for the site is unknown at this stage the report acknowledges it is understood that consideration is being given to development of the site with two

storey domestic dwellings, associated gardens, public open space areas, and adoptable roads and sewers. Receptors mentioned within the report are therefore considered to be residents of the new proposed dwellings, any visitors using areas of potential public open space and residents in neighbouring dwellings, as well as future utility maintenance workers who could be affected by contaminants that remain in the ground following development of the site. It is recognised that transient risks to construction workers are likely to be addressed through the adoption of health and safety measures and similarly any risk to residents in neighbouring dwellings due to airborne dust or vapours during redevelopment works should be addressed by the adoption of suitable mitigation measures.

In relation to controlled waters the report acknowledges the nearest surface watercourse is the Baydale Beck, which flows in a southerly direction, approximately 2 metres beyond the site's southern and eastern boundaries. There is also an unnamed tertiary river that flows eastwards across the site centre into Baydale Beck on the site's eastern boundary, as well as a small pond offsite adjacent to the centre northern site boundary.

In terms of groundwater the glacial till drift deposits beneath the north of the site are classified as a Secondary Aquifer (Undifferentiated Layers) and the Glaciofluvial Terrace deposits (sand and gravel) beneath the south of the site are classified as a Secondary A Aquifer. The underlying Dolostone (Ford formation) is classified as a Principal Aquifer. The report outlines that the site is located within a Source Protection Zone 2 (outer catchment) and two Source Protection Zone 1 (inner catchments) are located 15 metres to the south and 29 metres to the east of site.

The current use of the site is considered unlikely to have given rise to significant ground and groundwater contamination; however, localised contamination is possible in the southeast of the site due to the raised land (made ground) and the adjacent sewage treatment works. Localised contamination is also possible in the southwest of the site adjacent to the previously remediated land. The report concludes that whilst the site is considered suitable for its proposed use, further intrusive investigation will be required given the proposed change in use.

Appropriate planning conditions relating to contaminated land have been recommended.

Impact on the Setting of Heritage Assets

Paragraph 192 of the National Planning Policy Framework 2019 (the NPPF) states that in determining planning applications local planning authority should take account of, amongst other matters, the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF (para 197) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

NPPF (para 200) continues that 'local planning authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Policy CS14 of the Core Strategy 2011 is also promotes the need to protect, enhance and promote the character and local distinctiveness of the Borough, including listed buildings and their setting.

Historic England has advised that they do not wish to comment on the planning application and specialist advice should be sought from the Council's conservation and archaeological advisors

Schedule 4 of the EIA Regulations identifies a number of aspects of the environment that should be considered, namely human health, biodiversity, soil, water, air, climate change, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

The risk to cultural heritage and the environment is considered in the Environment Assessment.

A Heritage Assessment has been undertaken which included a search of pertinent documentary and cartographic records, records of archaeological interventions and the Historic Environment Record. In terms of above ground heritage assets, located approximately 450m south east of the site is Coniscliffe Road Waterworks which is designated as a Scheduled Monument. It is screened from the proposed development area by other buildings and trees, and so are not intervisible with the site.

The results of a heritage assessment conducted in advance of a proposed development included a search of pertinent documentary and cartographic records, records of archaeological interventions and the Historic Environment Record.

There are seven Grade II listed buildings and one Grade II* listed building within 1km of the site. These assets are considered to be of medium to high significance due to their listing status. In each case, because of a lack of intervisibility with the proposed development area, their setting will be maintained.

It is possible that a medieval leper hospital was located in the vicinity of the Baydale Beck Inn, immediately to the south of the proposed development area. There is no suggestion of any evidence for this within the geophysical survey data.

The proposed development area lies to the north-east of the medieval village of Low Coniscliffe and to the west of the market town of Darlington. It is probable that the site was used as agricultural land from at least the medieval period through to modern day. Recorded within the north-eastern part of the site are a series of linear features which may be indicative of medieval ridge and furrow.

The geophysical survey identified a series of crenulated features within the north-eastern part of the site. The precise form of these is not known at this stage but they could be World War I practice trenches.

Off site highway mitigation works to the Cockerton and Woodland Road/Carmel Road North roundabouts are located within the West End and Cockerton Conservation Areas. These are works within the public highway. They would not harm the significance of any heritage assets in the locality.

The purpose of a Statement is to make sure that decision-makers consider the environmental impacts, including impacts on the historic environment, when deciding whether or not to proceed with a project. The Council's Historic Asset Officer considers that the Environmental Statement has not identified any heritage impacts which need to be taken into account in this decision making process.

Impact on Existing Trees and Proposed Landscaping

Policy E12 (Trees and Development) of the Local Plan seeks to ensure that new development takes full account of trees and hedgerows on and adjacent to the development site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and to provide their successful retention and protection during development.

No trees on the site or adjacent to the site are covered by Tree Preservation Orders or are within a Conservation Area.

A total of 116 trees and tree groups were identified and assessed as part of a Tree Survey that has been submitted in support of the application. Twelve of the surveyed trees are considered to be poor specimens and should be removed with the remaining trees being Category B and C trees.

A total of 13 hedgerows have been identified and assessed as part of the hedgerow survey. None were found to support an adequate number of woody species along a 30 m length to be given further consideration as an 'Important Hedgerow' as per the Hedgerow Regulations (1997)

The Survey states that it would be possible to retain existing trees and hedgerows within a proposed layout of the site although some removals will be required to create the access of Coniscliffe Road. The Survey recommends that protective fencing is used to protect any trees retained as part of the development which would be secured by a planning condition as would the need to include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan with any Reserved Matters submissions.

It is envisaged that new tree planting will be located along the main avenue and at the entrance gateways to the development. Elsewhere, use of street trees will establish a distinct character for the development. Within the open space larger growing tree species will be used including a higher proportion of native species. A landscaping scheme would be submitted as a future Reserved Matters submission.

As part of the proposed highway mitigation works on the A66 Blands Corner a single Lime tree would need to be removed to allow for the widening of Carmel Road South. Works to widen the carriageway would incur within the root protection areas (RPAs) of further trees along Carmel Road South but the extent by which the road would be widened would not be considered significant and highly unlikely to affect the stability of the trees.

The proposals would not require any trees to be removed from along the A66 but it would require the trimming back of existing trees to allow for the proposed works within the existing grassed verge. Should Highways England require a grass verge to be installed a single row of trees may need to be removed but this would not be significant from an arboricultural perspective nor reduce the landscape and screening value of the wider tree group.

There is also an opportunity to remove a Lime tree on the A66 which is considered unsuitable for retention.

Impact on Footpaths and Public Rights of Way

Bridleway No. 4 in the Parish of Low Coniscliffe runs north south through the site and Footpath No. 8 In The Parish of Low Coniscliffe runs east west from the Baydale Beck across the site to connect to the Bridleway. The linkages from these PROWs will be important along with their retention and the look and feel of this PROW within the site.

The Design and Access Statement states 'as tree planting establishes within the green infrastructure it will soften and filter the views of the proposed built development'. As an existing Bridleway it is important to also think about how horse riders/cyclists would flow through the site on this path. The use of wide green corridors would be more suitable than a restricted narrow path. These would be matters that would be given consideration at future Reserved Matters stage.

The Landscape and Visual Impact Assessment submitted in support of the application concludes that features along the routes such as hedgerows, trees, ditches and watercourse would largely be retained and whilst the proposed residential development within the site would change the nature of views and result in a loss of open setting the initial effects on Rights of Way within the site range from Moderate/Major or moderate adverse, reducing to Moderate or Minor adverse as tree and shrub planting within the open space and greenway corridors establish.

A partial view of the proposed development would occur from a short section of Teesdale Way to the south of the site. Views of built development would be filtered by existing hedgerow and trees along Coniscliffe Road. The existing vegetation would be supplemented by additional tree planting within a landscape buffer proposed adjacent to Coniscliffe Road. Initial Minor adverse effects would reduce to negligible overtime.

A planning obligation to secure improvements to Public Rights of Way and their future maintenance would form part of the Section 106 Agreement.

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.

An Extended Phase 1 Survey has been submitted in support of the planning application. The results of the Survey indicate that there are no statutory designated sites within a 2 km radius of the site. A total of four non-statutory Local Wildlife Sites (LWS) have been identified within 2 km of the site, the closest being Broken Scar LWS situated beyond Baydale Beck to the east of the site. The Survey advises that it is unlikely that the proposed development will impact land beyond the site boundary. Furthermore, as the Baydale Beck and the surrounding woodland along the eastern site boundary are to be retained following the development they will provide a buffer zone between the site and the designated LWS site.

The Survey reveals that the site does not support any standing waterbodies, however, a single pond has been found immediately to the north of the site with connectivity to it, which despite being in a poor condition such that it would be normally considered unlikely to support great crested newts GCNS, the ecological consultants working on behalf of the developer of the land to the north of the site, found a small population of breeding GCNs to be present. Therefore, an appropriate mitigation will need to be prepared that covers areas of both on- and off-site habitats to support a licence application to Natural England.

The hedgerows and trees at the site would provide suitable habitat for nesting birds, as well as the arable land providing opportunities for ground nesting species, such as skylark which were recorded during the survey. As a result, appropriate mitigation will need to be put in place to ensure that vegetation clearance works do not harm nesting birds.

The site did not feature any evidence to indicate that badgers were using or inhabiting it, however, the site and the surrounding landscape provide opportunities for this species and for brown hare. There is, therefore, the potential for these species to venture onto the site during the proposed construction works.

Baydale Beck is considered suitable to support otter and water vole, which have both been recorded within the watercourse in previous years. There is, therefore, the potential for otter to be present along the banks of the beck and within associated on-site habitats including the stream that bisects the centre of the site, and for water vole to be present within the beck immediately adjacent to the Site boundary and to venture into the on-site stream.

The data search identified historic records of white-clawed crayfish within Baydale Beck to the east of the site. Baydale Beck is still considered suitable to support this species if they do occur within the local area. If they are present within the Beck, there is the potential for white-clawed crayfish to occur in the on-site stream.

There was no evidence of other protected species, or habitats that could support them, on the Site.

The Survey concludes by making a list of recommendations relating to matters such as nesting birds, great crested newts, bats, badgers and brown hares, otters and water vole, pollution, landscaping enhancements, bat and bird boxes. These measures would be secured by a planning condition.

When considering the impact of the impact of the proposed development upon the adjacent Community Woodland, a Habitat Assessment concludes that as there is already extensive disturbance by regular dog walkers it is not anticipated that a significant amount of additional damage or disruption to wildlife would be generated by the development. However, a number of bird species utilise the site and maintaining connectivity with other suitable habitat is imperative so green corridors should be incorporated into the layout design for the site, and boundary trees at the development site retained where possible. The bridleway should also be maintained as a buffer between the site and the boundary hedgerows and trees to encourage the variety of bird species currently present to continue using the woodland. Future management of the woodland should also be considered to allow the slower growing species, such as oak, to survive and not be shaded out by silver birch and willow that mature more quickly.

A Bird Breeding Survey concludes that the proposed retention of field boundary hedgerows, where possible, and the planting of further hedgerows and trees as shown within the landscaping plans for the site, will help the site become more favourable to some bird species once habitats have matured. The loss of open arable field habitats will lead to non-significant minor adverse impacts upon those typical farmland bird species that were recorded infrequently during the survey visits. Through the addition of grassland and woodland habitat to the north-east and within the central area of the site, and the inclusion of species-rich grassland, within the landscaping proposals, the site has the potential to support an increased number of breeding bird species of conservation concern. These are matters that would be considered in more detail at Reserved Matters stage for layout and landscaping.

A Bat Transact Survey recorded mainly common pipistrelle, in addition to soprano pipistrelle, noctule and *Myotis* spp., noctule and Daubenton's bats around the site. The timing of the bats detected suggests a potential bat roost within close proximity of the positioned detectors. The dusk and dawn bat transect survey recorded two species of bat within the site boundary. These were common pipistrelle and soprano pipistrelle, although former accounted for the majority of recorded passes in both the northern and southern field. Foraging activity was most frequently recorded in the northern field, with only commuting activity recorded in the southern field. No roost emergences/ re-entries or roosting behaviour was recorded during the surveys. The survey results, therefore, suggest bats are entering the site from beyond the boundary. Furthermore, it is anticipated that there is an off-site roost within proximity to the eastern extent of the Site. The Bat Survey makes a list of recommendations that would be secured by a planning condition.

A Wintering Bird Report concludes that overall the wintering bird's assemblage recorded during the survey is considered to be of 'site' value due to its relatively low diversity and number of birds recorded, and the fact that the site is likely to be used in combination with other surrounding similar habitats. Furthermore, emphasis is on those species of birds associated with hedgerows and open arable fields rather than those of improved grassland. Disturbance caused by dog walkers and runners both on-site, and immediately adjacent to the site, was considered a major factor in the low numbers of birds recorded during the survey. The Report recommends the retention of boundary hedgerows and the planting of further berry bearing hedgerows, shrubs and trees as proposed within the indicative Masterplan would ensure that the site becomes more favourable to a number of bird species once habitats mature. The loss of open arable field habitats will lead to a non-significant minor adverse impact upon bird species traditionally associated with agricultural habitats that were not recorded at the time of the survey, but are present in the wider area.

A Water Vole Survey of the Baydale Beck recorded one latrine on a piece of floating polystyrene located near to the outflow of the Water Treatment Works (WTW), which is situated off-site to the east of the Beck. Due to the lack of any other water vole features recorded, it is considered likely that the latrine floated downstream from more suitable water vole habitat upstream, from an off-site stretch of Baydale Beck. Overall the on-site habitats were considered suboptimal for water vole due to heavy overshading from the woodland along a large proportion of the length surveyed, sections of reinforced or rocky banks, a lack of aquatic and bankside vegetation, and sections of the Beck being fast flowing.

No signs of water vole were recorded along the field drain that bisects the centre of the site east-west. This waterbody was considered unsuitable to support water vole as it was shallow, with shallow banks that had been heavily poached by cattle. At the time of the survey, a check was also undertaken for any signs of otter, or suitable habitat for this species. No evidence of otter was found nor were any suitable locations for a holt or resting place for this species on-Site, such as tree roots or a dense patch of scrub, recorded. Furthermore, there is regular anthropogenic disturbance at the site as a result of dog walkers.

The Survey makes no recommendations in regard to water vole unless works are undertaken to improve the habitat suitability of the Beck prior to any construction works commencing. However, it is appropriate to impose a condition to secure the recommendation should such circumstances arrive.

The Council's Senior Ecology and Landscape Officer has recommended that the as well as securing the recommendations listed in the supporting Reports, further ecological enhancements should be considered when finalising the layouts of the application. As a result, it is considered appropriate to impose an overarching planning condition that requests the submission of an Ecological Masterplan for each phase of development.

When considering the planning application, the Environment Agency has requested the imposition of ecology related planning conditions.

Affordable Housing

Under the provisions of CS4 of the Core Strategy and the Planning Obligations Supplementary Planning Document (SPD), 20% of the overall development should include affordable units. A planning condition has been imposed to seek to secure the number of units in accordance with Council policy.

Sport Provision

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

The application to develop land to the south of Staindrop Road (ref no: 17/00636/OUTE) includes two playing fields. One would be associated with the proposed school and one would be freestanding community facility. It would be the intention to have the field associated with the school constructed and managed so as to allow for community use so they can be counted as community sport provision. These two areas, together, would meet the playing pitch requirements for both sites, as required by the Council's SPD on Planning Obligations. On this basis, Sport England support the proposed development.

The playing fields shall be maintained and managed through a private management company which would be secured by a Section 106 Agreement

School Places

Due to lower birth rate in recent years and the ONS lowering their future birth projections nationally (2018) the latest pupil projections from Tees Valley Combined Authority project more surplus capacity in nearby schools than previously anticipated. The Council's Assets & Place Planning Manager when considering the Masterplan has advised that land is reserved for a 1.83ha site sufficient for a 420 place school and 52 place nursery for a time period of ten years. The requirement of the land to be retained for a school needs to be reviewed at two agreed points during construction. For instance five years after start (2025) and ten years after start (2030) or after 50% or 75% of completions. The land has been set aside on the 16/00636/OUTE development site and the developers for this site would contribute to the developers of the adjacent site for their proportional share off the value of the safeguarded land.

Capacity within a secondary school in the North West of Darlington is over the 5% criteria as stated within the Council's SPD on Planning Obligations and there is no requirements for a Section 106 contribution towards any existing secondary schools or to include a new one within the site.

Developer Contributions

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

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Heads of Terms that have been agreed with the applicant are:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

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

Delivery

One of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. The IPPS states that if an outline application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters.

Other Matters

In 1992 a Hazardous Substance consent was granted by the Council for the storage of 10 tonnes of chlorine at Broken Scar Water Treatment works which are located to the east of the site. Members are advised that since the submission of this application the consent has been revoked by the Council as there is no longer a need for it to be in place as the amount of chlorine stored on the WTW site is now below the threshold for the need for any form of consent from the Council and the Health and Safety Executive.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION

Planning law (S.38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

Darlington Borough Council can demonstrate a five year supply of housing land and therefore relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

The application site is located beyond the development limits of the main urban area and therefore the proposal would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy (2011). However although the application is contrary to policy E2 there are other material considerations which should be considered in the planning balance in accordance with S.38 (6) of the Planning and Compulsory Purchase Act 2004.

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. The Strategic Housing Market Assessment which was published in Oct 2017 indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. This work, which should be considered as a material consideration. This housing requirement is significantly higher than the Government's local housing need figure for Darlington and the Council considers that there is strong evidence to justify the higher housing requirement figure which has been used to assist preparation of the emerging Local Plan.

The application site is considered to be suitable for housing in the emerging Local Plan and is proposed for allocation. Whilst the emerging Local Plan can only be afforded limited weight at this stage in its preparation and the Council can comfortably demonstrate a five year housing land supply at this point in time against the local housing need figure once the new Local Plan is adopted, the housing land supply will be assessed against the Council's housing requirement of 422. As such, it is important that the Council continues to support and grant planning permissions on sites which have been identified as suitable for residential development and are proposed allocations in the emerging Local Plan. If this approach is not taken, there is the danger that the Council will not be able to demonstrate a five year housing land supply when the new Local Plan is adopted and the tilted balance of paragraph 11 of the NPPF would once again apply and the Council would have limited control on the location of new housing development.

The Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) can carry some weight and the proposal would be located outside of the settlement boundary as shown in the Neighbourhood Plan policies Map but it is not for neighbourhood plans to set strategic policies or to allocate strategic sites. In view of this and given the other material planning considerations outlined above, these factors outweigh any policy concerns in terms of the conflict with the neighbourhood plan.

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

An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations.

This outline planning application is based upon a Masterplan that includes this site and land to the north which is the subject of a separate planning application (ref no: 17/00636/OUTE).

The planning applications have been considered both individually but also cumulatively in terms of their location and connectivity with the western edge of the urban area and their impact on matters such as residential amenity, flood risk, ecology, trees, noise, air quality, Public Rights of Way and the local and strategic highway network.

It is considered that with the imposition of appropriate planning conditions and the offsite highway mitigation measures that have been agreed with the Council and Highways England the planning application site and also the adjacent site to the north can be redeveloped for residential purposes (and the associated uses in the 17/00636/OUTE proposal) without causing significant harm to the surrounding area, local residents and the highway networks.

The planning application is being recommended for approval subject to a Section 106 Agreement and planning conditions.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF THE REFERRAL PROCEDURES TO THE SECRETARY OF STATE AND THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

- A Bus Subsidy
- Public Rights of Way Improvements and Maintenance
- Cycle Route on Coniscliffe Road
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Off site Highway Improvements Works on the A66 and Blands Corner
- Management Programme for open space and play areas

AND THE FOLLOWING PLANNING CONDITIONS:

GENERAL

1. Details of the appearance, landscaping, layout, and scale of any development within each phase of the development hereby permitted (hereinafter called “the reserved matters”) for each phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990
2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.

REASON: In the interests of achieving an improved rate of housing delivery in the Borough

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990

APPROVED PLANS

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing Number M.D.CP - Location Plan
- b) Drawing Number 14011/GA/01 Rev D Site Access Proposals

REASON: For the avoidance of doubt

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

REASON: For the avoidance of doubt

MASTERPLAN

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

REASON: In order to achieve a satisfactory form of development

PHASING PLAN

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

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

MATERIALS

8. No dwellings hereby approved within each phase of the development shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings in that phase have

been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the visual amenity

AFFORDABLE HOUSING

9. Prior to the occupation of any unit within the development as a whole or within each phase, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units – 50% intermediate housing and 50% social housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:
 - a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - b) A plan showing the location of the affordable housing units;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; and
 - f) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Unless otherwise agreed by the Local Planning Authority

REASON: To comply with Council Housing Policy.

FLOOD RISK, DRAINAGE AND ECOLOGY

10. The development hereby approved shall not be carried out otherwise than in broad accordance with the drainage scheme contained within the document entitled “Flood Risk Assessment and Surface Water Management Strategy” Rev D dated October 2017 and produced by ID Civils Designs Limited. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4901 and ensure that surface water discharges to the existing watercourses.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2019.
11. The development hereby approved shall not commence on site until a scheme of “Surface Water Drainage and Management” for the implementation, maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:

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

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with the guidance within Policy CS16 of the Darlington Core Strategy Development Plan 2011 and the National Planning Policy Framework

12. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved "Flood Risk Assessment and Surface Water Management Strategy" Rev D dated October 2017 and produced by ID Civils Designs Limited and the following mitigation measures detailed in the FRA:

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

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

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

13. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system be maintained during the construction phase must also be submitted and approved in writing by the local planning authority
- REASON: To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved "Flood Risk Assessment and Surface Water Management Strategy" Rev D dated October 2017 and produced by ID Civils Designs Limited and the following mitigation measures outlined in the FRA:

- a. Limiting the developable area outside the flood zone areas and outside of the 8 metre easement of the Main Rivers in the area

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 with any other period as may subsequently be agreed in writing by the Local Planning Authority.

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

15. No development shall take place until a scheme for the provision and management of a 10m wide buffer zone alongside the watercourse and proposed ponds/drainage basins shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and could form a vital part of the green infrastructure provision. The schemes shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) Details of any proposed planting scheme;
- c) Details demonstrating how the buffer zone will be protected during the development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- d) Details of any proposed footpaths, lighting, fencing etc

REASON: Development that encroaches on watercourses and other water features has a potentially severe impact on their ecological value. In particular the increased footfall from the large number of planned new residents and required lighting will impact on the foraging and migration and may increase predation on fish, bats, birds, water vole and great crested newts which have been confirmed as being likely to impacted upon by the development. The condition is supported by the National Planning Policy Framework

16. Prior to the occupation of the first dwelling a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

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

REASON: To ensure the protection of wildlife and supporting habitats and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework

17. Prior to the commencement of the development a plan detailing the protection and/or mitigation of damage to populations of great crested newts, water vole, birds and bats, protected species under The Wildlife and Countryside Act 1981 as amended/Habitats Directive Annex II, and their associated habitat during construction works and once the development is complete has been submitted to and agreed in writing by the Local Planning Authority. Any revisions to operational, including management responsibilities shall be submitted to and agreed in writing by the Local Planning Authority. The protection plan shall be carried out in complete accordance with a timetable for implementation as approved. The scheme shall include the following elements:

- a) Bat roost features should be installed in the woodland and integrated into appropriate buildings in suitable locations following guidance such as the "Designing for Biodiversity: A technical guide for new and existing Buildings" to ensure it will be effective.
- b) New drainage basins should be designed with the dual purpose of providing habitat with an appropriate buffer of 10 metre minimum provided to ensure disturbance is kept to a minimum
- c) Habitat continuity must be maintained across the site through the use of new buffer strip planting in the form of hedgerows, trees or scrub to provide foraging areas and habitat for the species to be shown to be present on the site

REASON: The development is likely to increase disturbance to great crested newts, water voles, bats and birds using the site and disrupt current foraging behaviour as recognised by the submitted Ecological Report. Ensuring appropriate mitigation is implemented and current habitat improved will ensure that habitats are not negatively impacted and the development will have a positive effect on local biodiversity

18. No development shall take place until the construction and management plans of drainage basins are constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the proposed and existing ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework

19. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.
REASON: In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.
20. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Extended Phase 1 Habitat Survey - Land North of Coniscliffe Road, Darlington For Taylor Wimpey UK Ltd" dated May 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the biodiversity of the site and the surrounding area
21. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Bat Transect Survey - Land North of Coniscliffe Road, Darlington For Taylor Wimpey UK Ltd" dated May 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the biodiversity of the site and the surrounding area
22. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled "Water Vole Survey Report - Land North of Coniscliffe Road, Darlington. Presented to Taylor Wimpey North Yorkshire" dated July 2017 and produced by Delta-Simons unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the biodiversity of the site and the surrounding area
23. Any Reserved Matters applications for a phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include, but not restricted to, details of ecological enhancements and the integration of the recommendations made in the supporting ecological documents in conjunction with the local planning authority. Each phase of the development thereafter should only be carried out in accordance with the approved details.
REASON: In the interests of promoting the biodiversity of the site

HIGHWAYS

24. Prior to the first occupation of the development, a detailed scheme for the off-site highway improvement works at Blands Corner, shown indicatively on drawing 14011/GA/05 rev D, shall be submitted to and approved in writing by the Local Planning Authority and Highways England.

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

25. Prior to the occupation of the 105th dwelling, the off-site highway improvement works referred to in condition 24 shall be completed in accordance with such details as approved.
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
26. Prior to the commencement of each phase of the development, precise details of the internal highways layout, the proposed link road within the development including links to the surrounding cycling/pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In order to achieve a satisfactory form of development in the interests of safety to pedestrians, cyclists and road users
27. No development shall be carried out on each phase of development until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.
REASON: In the interests of highway safety
28. Prior to the commencement of each phase of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of achieving a satisfactory form of development
29. No more than 300 dwellings shall be occupied under this permission until the link road has constructed to the boundary of the site and brought into use.
REASON: In the interests of highway safety
30. A Road Safety Audit for each phase of development shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.
REASON: In the interests of highway safety
- NOISE**
31. Prior to the commencement of each phase of the development, a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise (from the A1 (M), Coniscliffe Road and the new strategic spine road) and noise from the Baydale Beck public house, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment shall be agreed in

writing with the Local Planning Authority prior to the submission of the assessment.

- a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:
1. Internal noise levels for bedrooms (with windows closed) shall not exceed 30dB LAeq(8 hour)* and 45dB LAFmax
 2. Internal noise levels for living rooms (with windows closed) shall not exceed 35dB LAeq(16 hour)*
 3. External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)* unless otherwise agreed in writing with the Local Planning Authority

*LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00

- b) The detailed scheme of noise mitigation shall include the following:
1. Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.
 2. The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
 3. A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.
- c) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts from a particular source(s) will arise for the particular phase of the development.

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

REASON: In order to achieve a satisfactory form of development in the interests of safeguarding the amenity of the local area and the future occupants of the development

CONSTRUCTION MANAGEMENT PLAN

32. Prior to the commencement of each phase of the 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 and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) 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 Plan.

REASON: In the interests of amenity and highway safety

AMENITY

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

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

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

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

CONTAMINATED LAND

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

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

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

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

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

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

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

development completed in accordance with any further agreed amended specification of works.

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

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

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

LAYOUT

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

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

41. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development

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

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

TREES

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

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

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

43. The development hereby approved shall be carried out in accordance with the document entitled "Blands Corner Highway Improvements, Darlington - Arboricultural Assessment" dated January 2019 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority. However, notwithstanding the findings of the document, an Arboricultural Method Statement and a Tree Protection Plan for the proposed highway improvement works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details for the Tree Protection Plan shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

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

TRAVEL PLAN

44. Prior to the occupation of the first dwelling within the development as a whole or in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan
- REASON: In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012.

ARCHAEOLOGY

45. 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 been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- a. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - b. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - c. Post-fieldwork methodologies for assessment and analyses.
 - d. Report content and arrangements for dissemination, and publication proposals.
 - e. Archive preparation and deposition with recognised repositories.
 - f. 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.
 - g. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - h. 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 para 197 & 199 of the National Planning Policy Framework because the site is of archaeological interest.

46. 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 para. 199 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible.

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT THE WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME (THE DECISION AS TO WHETHER OR NOT TIME IS TO BE EXTENDED IS DELEGATED TO OFFICERS), THE PERMISSION SHALL BE REFUSED WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF CORE STRATEGY POLICY CS4 (DEVELOPER CONTRIBUTIONS). THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:

- 1) The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for the impact of the development upon the strategic road network, sustainable transport improvements including a bus subsidy, cycle route enhancements, travel plan measures and for improvements and maintenance of Public Rights of Way and the maintenance of areas of public open space and play areas in order to mitigate the impact of the proposed development and to make the proposal an acceptable form of development.

INFORMATIVES HIGHWAYS

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

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

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

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

LOCAL LEAD FLOOD AUTHORITY

Further advice to the applicant can be found on the response from the Local Lead Flood Authority dated 22 November 2017 which can be viewed on the Council's website (www.darlington.gov.uk)

ENVIRONMENT AGENCY

Further general advice to the applicant can be found on the response from the Environment Agency (ref no: NA/2017/113732/01-L01) dated 17 August 2017 which can be viewed on the Council's website (www.darlington.gov.uk)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Saved Borough of Darlington Local Plan 1997

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

Darlington Core Strategy Development Plan Document 2011

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)
CS2 Achieving High Quality, Sustainable Design
CS3 Promoting Renewable Energy
CS4 Developer Contributions
CS10 New Housing Development (parts out of date)
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
CS17 Delivering a Multifunctional Green Infrastructure Network
CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

Tees Valley Minerals Waste Core Strategy 2011

MWC4: Safeguarding of Minerals Resources from Sterilisation

National Planning Policy Framework 2019

Low Coniscliffe & Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft (Sept 2018)

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

Other Documents

Planning Obligations SPD 2013

Design of New Development SPD 2011

Low Coniscliffe and Merrybent Neighbourhood Plan (2018 – 2036) Submission Draft
(Sept 2018)