

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5<sup>th</sup> June 2019**

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<b>APPLICATION REF. NO:</b>	17/00636/OUTE
<b>STATUTORY DECISION DATE:</b>	7 <sup>th</sup> June 2019
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Land South Of Staindrop Road DARLINGTON
<b>DESCRIPTION:</b>	Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class A1), a GP (Class D1), land for proposed primary school and early years school (Use Class D1) and sports pitches with associated parking, public open space, landscaping and sustainable draining system (SUDS) and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access (amended Flood Risk Assessment received 7 September 2017, Minerals Report, Agricultural Land Report and Phasing Plan received 26 September 2017, 2 October 2017, 9 October 2017, Archaeology Report received 23 November 2018; Transport Assessment Addendum and Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019)
<b>APPLICANT:</b>	Gladman Developments

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**APPLICATION AND SITE DESCRIPTION**

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

The application site comprises of several agricultural fields which are currently under arable use.

Nos 1 and 2 Coniscliffe Grange Cottages are located on Staindrop Road adjacent to the north west corner of the site and Coniscliffe Grange Farm and a property known as The Cottage are located to the west between the site and the A1 (M).

Footpath No 5 in the Parish of Low Coniscliffe is located in the North West corner of the site, Footpath No 49 in the Parish of Low Coniscliffe runs along the east boundary and Bridleway No 4 is located to the west of the site.

This outline planning application includes the following elements:

- Up to 985 residential dwellings including affordable housing;
- Land for a 56 place nursery, a primary school with school expansion land and associated school playing fields;
- 400sqm for a food convenience store;
- A GP Surgery located by the Local Store and Primary School;
- Proposed Sports Pitches with associated parking;
- Landscape planting and the retention and positive management of key landscape features;
- 19.53 ha of formal and informal open space (over 40% of the gross site outline application area);
- New access arrangements on to Staindrop Road comprising a surface water drainage scheme.

The planning application is an outline submission with all matters reserved apart from access. Matters such as landscaping, layout, appearance and scale will be considered as part of future Reserved Matters submissions. It is envisaged that the development would be brought forward in five phases with more than one developer involved.

### **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
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- Management Programme for open space and play areas

### **Masterplan and Planning Application Reference number 16/00632/OUTE**

This planning application is part of a wider Masterplan to be considered in conjunction with a scheme to the south and the planning application (ref no: 16/00632/OUTE) also forms part of this Agenda.

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

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 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 this application 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 has deemed that the application to be 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**

There is no recent planning history associated with the planning application site

## **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 74 letters of objection and 3 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*
- *The area in which these dwellings will be built is green belt*
- *The affordable units will be offered to Housing Associations with all the problems involved*
- *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*
- *How will the Council deal with the extra traffic on Barnes Road and Staindrop Road?*
- *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*
- *My main concern about this application is the effect it will have on traffic flow along Staindrop road the B6279 and an increase in traffic and parking around the area near the Primary schools on Mowden estate until the new school is opened. I would also suggest that a road joining the B6279 to the A68 between Cockerton and the A1M needs to be considered in future planning to relieve the congestion in Cockerton.*
- *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*
- *The shops at Mowden are very difficult to park at and the development will result in an increase and further congestion to that area*
- *Existing secondary schools, medical practices and hospital services are already oversubscribed*
- *Building on green belt land should be a last resource*
- *Main roads and access for the development is wholly inadequate*
- *Contravention of Public Rights of Way*
- *Increase of costs to support extra Police/Fire and ambulance services*
- *Increased pressure on social services*
- *Do we really need any more new houses built as the ones built now are struggling to sell and older houses likewise*
- *The continuation of urban sprawl around Darlington is destroying the surrounding countryside*
- *The plans show there will be land for a proposed school on the site but there does not seem to be any commitment that a school will definitely be built*
- *A housing estate of this size would need doctors , dentist , catering establishments ,hairdressers etc and certainly more than one convenience store*
- *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 is no details on garages, drives and parking areas for the new dwellings*
- *The development will decrease air quality*
- *Expecting people to walk and cycle is unrealistic*
- *Darlington will end up looking like a large housing estate*
- *More than 2000 extra cars will be using Staindrop Road*
- *Vehicles will be stationary on Staindrop Road preventing cars from pulling out of and entering existing drives*
- *The increase in traffic will cause massive congestion in Woodlands Road, Cockerton, West Auckland Road, Coniscliffe Road and Staindrop Road*
- *If granted this would become a major arterial route for persons from Barnard Castle Coniscliffe, Gainford to gain access to the A1M Northbound via new roads in other applications*
- *This request is in conflict with the original development plan and impacts on a public right of way, any change to public rights of way cannot be agreed to, unless said rights of way are protected through the provision of the planning provision? If the public right of way cannot be maintained then I have to object to this planning request*
- *The proposed build does not address the problem of homelessness or lack of 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*
- *I can't believe that Darlington Borough Council would consider giving approval for this planning application to build this number of houses on prime agricultural land.*
- *Roads will not be able to cope with the large volume of additional traffic generated from both these sites*
- *I feel enough land and open space has already been taken for development.*
- *The spine road will be a rat run*
- *Should this ill-conceived proposal go ahead we would expect that all environmental aspects with regard to the Baydale Beck green area be considered in great depth.*
- *To build the number of dwellings proposed would cause a massive increase in traffic on these roads leading into town which I believe the current road infrastructure would not be able to cope with leading to congestion, pollution, accidents and affect the quality of lives for the current residents*
- *This area of farmland has public footpaths which my family enjoy using which is on our doorstep and one of the reasons we moved, this will be taken away if this development goes ahead*
- *There will be an increase in noise and dust pollution*
- *Other developments sites exist in the Town and West end which have not been developed. These should be developed first rather than allow developers to buy farm land which is easier to develop.*
- *Staindrop Road is a busy road now, particularly at its junction with the 1st mini roundabout and then the 2nd roundabout in Cockerton. Long queues*

*forming in a morning and evening. Likewise Staindrop Road going out of down becomes narrow and at times dangerous.*

- *Construction of housing on this site appears unnecessary as there are several large developments in progress in the town which will provide adequate new housing in the borough.*
- *To have 985 dwellings then using this road as a means of egress and access will have a detrimental effect on an already busy stretch of road.*
- *There is already a lack of entertainment opportunities for teenagers in the West of Darlington so to add a significant number of additional young people the area increases the likelihood of anti-social behaviour in the area as they will struggle to find anything to keep themselves gainfully employed locally.*
- *The BT Openreach based broadband connection in this area of Mowden is already very slow, the addition of this amount of additional homes is presumably likely to stretch this service further.*
- *Where I live there have been problems with burglaries via public pathways into the estate- the plans for the new estate show public footbridges into Yiewesley Manor therefore increasing access points, these will only aid burglaries and increase the crime rate in the area.*
- *I am concerned that there will be a greater risk of flooding to the Baydale Beck stream area on the eastern edge of the development and to the beck flowing north of Staindrop road towards Cockerton.*
- *The proposed development will increase traffic congestion and access problems and increase highway safety concerns*
- *Local drains are at capacity causing flooding and backlogging of foul drain on occasions*
- *This will be an erosion of rural space between settlements*
- *The school will not be built and the Council cannot afford the funding*
- *The bus services to the west end of Darlington are poor now and would need to be extended to cover both sites*
- *Who is going to buy these houses?*
- *Roads near schools are very congested at pick up and drop off times and this would be made worse*
- *The space to the west of Baydale Beck will be lost and this space contributes positive social and environmental benefits*
- *The road infrastructure will not cope with the extra vehicles from the estate*
- *Extra surface water will be discharged into the Beck and this has flooded on many occasions*
- *The local amenities are not sustainable*
- *This will result in dangerous road conditions*
- *The proposed sustainable urban drainage to manage the surface water run-off on the site to the existing greenfield run-off rates will also be another planning disaster.*
- *The infrastructure should be in place before a development of this size is undertaken and this is definitely not the case with this application*
- *The Elm Ridge roundabout is already extremely busy during rush hour and extra cars from this development will only exacerbate the problem*
- *If the development is approved I think it is essential that there is no through road between Coniscliffe and Staindrop Road.*

- *A safe cycle route is required showing safe links to offsite facilities and on Coniscliffe Road between the access point and existing cycles lanes*
- *I must ask that the appropriate investigations be carried out to confirm that all services can accept these additions dwellings. Can a further 3000 cars be accommodated?*
- *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*
- *The need the land for a healthy lifestyle and enjoyment*
- *Building a school so close to the motorway will put pupils at risk from dangerous roads and pollution*
- *This agricultural land is home to numerous species of wildlife and building on this land would destroy this natural habitat forever*
- *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*
- *How can the houses per physically and visually contained as per the supporting Reports?*
- *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*
- *The proposed development is contrary to local development policies*
- *More road journeys will result in more wear and tear and associated repairs to the existing roads, drainage and other buried services*
- *There is a responsibility to provide safe cycle routes*
- *The development will be a threat to public rights of way*

- *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*

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*
- *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 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 in 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 contact 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 advised that there is no requirement for the imposition of any planning conditions following the findings of trial trenching that has taken place on the site

**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 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). The proposal would also subsequently be contrary to policy H7 (Areas of Housing Restraint) as the scheme does not meet the requirements of this policy.

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 saved 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 but the community and retail facilities proposed in the scheme will also increase the sustainability of the scheme by providing services for the new community reducing the need to travel.

***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 23<sup>rd</sup> 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

A Minerals Resource Assessment submitted in support of the planning application states that it is unlikely that the site would be extracted from the site for a number of reasons, including:

- Extraction of mineral within the site would likely result in noise, dust, visual and transport impacts. It is unlikely that planning consent would be obtained for a quarry within the application site, regardless of the proposed non-mineral development.
- Borehole records indicate that the dolestone is covered by approximately 40m of Glacial Till. Therefore, extraction of the mineral would have significant impacts on the site topography, and would most likely make the proposed development unviable in the short to medium term.

- The landowner does not wish to extract the mineral prior to undertaking the development.
- In terms of proximal sterilisation, existing developments and features around the application site already sterilise much of the mineral resource. It is therefore unlikely that the mineral would be extracted regardless of the proposed 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.

An Archaeological Statement has been submitted which includes the results of a desk based assessment and geophysical survey of the site. The desk-based assessment concluded that there was low potential for settlement or other significant archaeological remains of prehistoric or Roman date at the site. The site lies outside the medieval and post-medieval settlement of Low Coniscliffe and it was therefore concluded that there was low to nil potential for significant archaeological remains from these periods.

The geophysical survey of the overall proposed development identified no anomalies of clear archaeological potential. Several 'undetermined' anomalies were identified that may relate to archaeological assets with a number of these located within the north-eastern part of the site. Numerous linear anomalies were identified across the site which represent phases of agricultural activity of modern and historic origin, along with former field boundaries that correlate with historic mapping evidence.

Subsequent trial trenching evaluation was undertaken in August-September 2018 and comprised sixty-nine 50m long trenches sited to investigate geophysical anomalies and areas where no anomalies were detected in order to identify the archaeological potential of the site. It was the aim of this scheme of work to identify and record any archaeological remains which may have been present in order to mitigate potential impacts to the heritage resource.

No features or deposits of archaeological significance were observed during the evaluation. All geophysical anomalies related to either variations in geology sub-strata, numerous field drains crossing the site or dumped deposits.

The Archaeology Team at Durham County Council has confirmed that the archiving and reporting aspects of the scheme have all been completed and there is no need for any condition for archaeological works to be placed on any permission, if granted for this application.

### **Loss of Agricultural Land**

The NPPF states that 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. A detailed soil resource and agricultural quality survey was carried out in September 2017. The soils on the higher ground in the west and an area adjoining the eastern boundary are mainly imperfectly-draining sandy clay loams. The rest of the site has heavier, often poorly-draining soils, with slowly permeable clay loam or clay subsoil at shallow depth.

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 and with gaps in places with few trees present. Locally increased vegetation cover includes tree belt along Baydale Beck, the A1 (M) corridor and at Merrybent Community Woodland. Existing green infrastructure adjacent to the site provide local features of value. In particular, established tree belt and open space occurs along the Baydale Beck and within Merrybent Community Woodland. However the site itself is not considered to be of high quality nor in good condition.

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 985 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. This planning application site also includes land for the erection of a new school, a local store (400 sqm); sports pitches with associated parking, public open space, landscaping and sustainable drainage system (SUDS). The school, local centre and playing fields have been located close to the centre of the wider site in order to be easily accessible and beneficial to the future occupants of development to the south (17/00632/OUTE).

To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is to be used. The new spine road will provide a link through the development(s) connecting Staindrop Road to Coniscliffe Road. Leading off the spine road will be several secondary streets, and Green Lanes (shared private drives). In addition recreational footpath connections are provided through the green infrastructure with direct connections onto Coniscliffe Road, Staindrop Road and pedestrian crossings across Baydale Beck, providing easy pedestrian access to the town centre and local amenities on Fulthorpe Avenue at Mowden. Additional crossing points proposed over the Baydale Beck along with the new internal footpath network on site will improve connectivity to the wider footpath network to the west of the site. There are two possible locations over the Beck from this site but any connections will be the subject of future planning applications and subject to feasibility studies.

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

The Assessment also considers views from a number of points outside of the site (for example, the existing dwellings to the east, the community woodland and Merrybent Drive to the west and the Baydale Beck to the south), the A1 (M), Staindrop Road to the north and also from the public footpaths and Rights of Way in and around the site. The Assessment concludes that none of these areas would be adversely affected and a high quality residential development could be created which minimises detrimental environmental effects.

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

## **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.

Two junctions will be provided onto Staindrop Road in the form of a roundabout and a priority controlled T-junction. The roundabout would be formed towards the north western boundary and the junction would be provided towards the north eastern boundary. 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: 17/00632/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 is located on Stain drop Road over 1km from the centre of the site. This bus stop is served by service 16 (an hourly service, no evening or Sunday service) and service 84/84A (a two hourly service, no evening or Sunday service). 80% or more of this site far exceeds the preferred walking distance to a bus stop (as per the SPD). Even using proposed links to the east across Bay dale Beck and into Mowden, the distance to Edinburgh Drive/Fulthorpe Avenue/Barnes Road is still approx. 1km. The site is therefore not accessible by bus and would need significant pump priming.

Any pump primed service should be half hourly as a minimum and provided for at least five 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.

The proposed access arrangements onto Staindrop Road show a 3m footway/cycleway from the proposed access roundabout eastwards to tie into the existing provision. This will provide good connectivity from the 'main avenue' spine road onto Staindrop Road and is a welcome addition.

The footway/cycleway along Staindrop Road towards Edgecombe Drive will need to be lit as this will 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 would 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 should be made as shown on the Masterplan which also suggests potential pedestrian links across Baydale Beck. This again is welcomed and potential to make links into the existing estates should be made to enable good links directly into Mowden close to Mowden shops and bus stops.

A sustainable transport contribution will be sought via the Section 106 Agreement for a contribution towards a bus subsidy, Personalised Travel Planning (PTP) programme Travel Plan measures and bridge crossing and footpath links over the Baydale Beck in locations to be agreed

### ***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 17/00632/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 for both developments are generated in the AM and PM peak periods for the housing element distributed around the wider highway network. Given the scale of the development an area wide microsimulation model was requested to assess the impact of the two developments.

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

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

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

Future modelled flows have been created for various scenarios including Future year 2030 Local plan growth (base year traffic plus committed development plus local plan traffic) and future year 2032 Temprow growth (base year traffic growth with Temprow over the network plus committed development including west park and Faverdale business park). 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. 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 17/00632/OUTE)

A bus loop must be provided off Staindrop Road as part of the first phase of residential development to enable this to be a sustainable development, this will be amended to suit the development as the build-out of each phase progresses.

A central spine road running north south through the development and through the second proposed site (17/00632/OUTE) located to the south is a key feature of the

development strategy. It has been proposed to take access to the northern development from two locations on Staindrop Road (B6279), namely a new roundabout and an additional priority junction located to the East of the roundabout. Ultimately a link to the north from Staindrop Road onto Newton Lane is envisaged and therefore the new roundabout should be sized accordingly to accommodate a fourth arm to the north and potential traffic volumes that have been tested as a sensitivity check as part of the modelling works. Changes to the existing speed limit on Staindrop Road are proposed and further discussions will be required with Council and the Police to agree a suitable position for the amended 40mph speed limit.

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 busses and other large vehicles to pass through. A minimum 6.7m carriageway with a 4.0m shared cycleway footway should 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 should be in the form of half width laybys and located at suitable intervals and locations as advised by the Council. Careful consideration is to be given to the type of dwelling and access arrangement along the link road to avoid overspill parking on the carriageway. This road will be subject to a 30mph speed limit with all other parts of the internal highway network being 20mph.

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 should 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 should 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, 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 retail and school developments proposed will require suitable provision of operational and customer/visitor parking as specified in the Tees Valley Design Guide. It is good planning practice to incorporate some school parking provision as part of the retail element to avoid overspill onto the highway during the peak pick up/drop off times for the school.

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. Following assessment, and subject to a Stage One Road Safety Audit, an agreed design for the upgrade is approved. 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 we require that the agreed improvements are operational before 105 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 and the Cockerton Roundabouts

### ***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 Flood Risk Assessment has been submitted in support of the planning application, The Environment Agency (EA) flood maps show that the development area of the Site is located entirely within Flood Zone 1 which is considered to be at low risk of flooding from rivers. Areas associated with Flood Zones 2 and 3 (medium to high risk) are located on the eastern boundary outside of the development area of the site.

An ordinary watercourse (ditch) runs eastwards along a central-eastern field boundary discharging into Baydale Beck. There are further ditches (ordinary watercourses) located on the southernmost boundary routing parallel to Baydale Beck on its eastern bank. This ditch does not have surficial hydraulic connectivity to Baydale Beck.

Fluvial flood risk mitigation measures from the onsite watercourses include:

- Sequentially developing the site and providing a 4m easement free from development either side of the onsite ditches and an 8m easement free from development adjacent Baydale Beck on the eastern boundary;
- Undertake maintenance activities to keep the onsite ditches free from debris and overgrown vegetation to sustain conveyance;
- Set finished floor levels of buildings a minimum of +150mm above external ground levels to mitigate residual flood risk from fluvial flooding.

Groundwater flooding and surface water flooding will be mitigated to a negligible level through the adoption of a surface water management strategy. The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the site following development will not increase. This will be achieved through two appropriately sized attenuation ponds, with outfalls to Baydale Beck on the eastern boundary of the site. All runoff will be restricted to QBAR for all return periods.

The FRA demonstrates that the proposed development, if developed sequentially, would be at low risk from flooding (greater than 1 in 1000 years; 0.1% AEP), and would not increase flood risk elsewhere. The FRA concludes that the development should therefore not be refused on the grounds of flood risk.

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 on the original air quality assessment report submitted with the planning application.

The assessment looks at the potential air quality impacts associated with dust and particulate matter associated with the construction phase of the development, as well as road traffic emissions associated with the operational phase of the proposed development. The report assesses air quality at 14 No. existing sensitive receptor locations in the vicinity of the proposed development site and 2 No. proposed receptor locations within the development site itself.

The report covers the assessment of the impacts associated with dust and other releases during the construction phase of the development in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction', February 2014. The conclusion of this assessment is that the risk of dust soiling and human health effects will not fall into the negligible category for the assessed activities and mitigation measures will therefore be required to minimise the impacts. It is detailed that a best practice dust mitigation plan will be implemented for the site which can be secured by conditions.

In relation to the operational phase of the development and road traffic the assessment has covered a total of five scenarios comprising the 2017 verification and base year, 2032 opening/future year without development and 2032 opening/future year with development. Two of the scenarios also cover the cumulative impact of this development (up to 985 dwellings) and the subject of application 17/00632/OUT for the proposed development of up to 535 dwellings immediately to the south and the proposed link road (with and without highways mitigation measures). The highways mitigation consists of the widening and realignment of carriageways (and pedestrian routes) of three roundabouts at the B6279 Staindrop Road/B6280 Carmel Road North junction, the B6279 Staindrop Road/A68 Woodland Road junction, and the A68 Woodland Road/Cockerton Green junction, and additional lanes at Blands Corner roundabout. These mitigation measures are intended to mitigate against the junctions exceeding capacity, and are not specifically air quality mitigation measures. The air quality impact of the change in traffic flow due to the signalisation of the three roundabouts is however considered in the assessment.

Looking at the potential worst case scenario (cumulative development impact scenario without highways mitigation) the assessment predicts that annual mean concentrations will not be exceeded for the fourteen existing sensitive receptor locations or for the two proposed sensitive receptor locations considered. Sensitivity/significance analyses have also been included in the assessment (in accordance with Environmental Protection UK and the Institute of Air Quality Management 'Land-Use Planning and Development Control: Planning for Air Quality' guidance, January 2017) and while it is predicted there will be a negligible impact and again no exceedance of relevant air quality objectives for all fourteen existing sensitive receptor locations, three of the existing sensitive receptors are predicted to experience a slight adverse impact. That said the sensitivity analysis predicts no exceedance of the air quality for all future scenarios. The report acknowledges that it is considered to take a conservative approach as it is likely that there will be some improvement in background pollutant concentrations and vehicle emissions by 2032.

In addition to this the report goes on to detail potential mitigation strategies to further reduce any impacts on air quality. This includes examples such as implementing a green travel plan and installing low NOx boilers in proposed dwellings.

Generally, the Environmental Health Officer satisfied with the findings of the air quality assessment.

### **Noise**

The Environmental Statement expands upon the original noise and vibration assessment report submitted with the planning application.

The assessment involved carrying out a number of noise surveys (attended and unattended) to establish the current noise levels in the vicinity of proposed and existing noise sensitive receptors for relevant daytime and nighttime periods. The site is bound by Staindrop Road (B6279) to the north, existing housing on the Mowden Estate to the east, a proposed housing development site for up to 535 No. dwellings to the south (17/00632/OUT) and Coniscliffe Grange Farm and open fields to the west, beyond which lies the A1 (M).

The assessment then goes on to consider noise/vibration as a result of construction works impacting existing receptors close to the proposed development site, as well as the impact of noise on future receptors on the proposed development site from existing noise sources in the area. These existing noise sources include the wind turbine and grain dryer at Coniscliffe Grange Farm, and road traffic noise from the A1 (M) and Staindrop Road. Future road traffic noise (as a result of the proposed development) has also been considered in the assessment in terms of the potential impact on proposed and existing sensitive receptors. In relation to potential noise impacts from activities associated with the proposed school/GP surgery and local store, as well as the proposed sports pitches, the assessment has not covered these in depth as at this stage there is not enough information relating to the future ancillary noise sources (i.e. precise noise sources, opening hours and delivery times etc). The report recognises that while these noise sources are only likely to operate during the daytime period, mitigation (potentially including local screening of noise sources, careful selection of plant, timing of deliveries etc) will need to be incorporated into the design of the proposed mixed-use areas to ensure acceptable noise levels at proposed and existing sensitive receptors. It is acknowledged that further noise assessment work may be required as part of the detailed design stage.

The outline Master plan submitted the layout shows the proposed school, GP surgery, local store and sport pitches on part of the western side of the site which will provide a greater separation distance for some of the proposed dwellings from the noise sources which are located to the west of the site (namely the A1 (M) and Coniscliffe Grange Farm).

The Environmental Health Officer has considered each of the noise sources/aspects of the noise and vibration assessment.

The Assessment into the impact of noise from the construction works acknowledges that the earthworks and construction phase activities have the potential to generate short term increases in noise levels above those recommended in BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise) and it is therefore recommended that mitigation measures are put in place to reduce the scale of potential effects. The suggested mitigation measures include, but are not limited to, screening of noise sources by temporary screen, regular maintenance of plant and machinery, the avoidance of two noisy operations occurring simultaneously in close proximity to the same sensitive receptors and ensuring engines are turned off when possible.

In relation to vibration the assessment highlights that while it is unlikely that vibration due to the operation of construction plant will be above the threshold of complaint and structural damage (BS5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration), piling may be required to be undertaken on the site. However at this time the type(s) of piling is not known and therefore the report details that once the precise details (building locations, ground conditions and type(s) of piling) are confirmed, vibration levels could be estimated and recommendations for control made as appropriate.

Generally, Environmental Health is satisfied with the information in relation to the construction phase and as the construction impacts and vibration/piling matters (including details of any mitigation) will also be covered by planning conditions, it is considered the construction phase does not warrant further consideration at this stage.

In relation to the wind turbine unattended noise monitoring (with audio recording) was undertaken in June 2016 approximately 40m south of the wind turbine. The noise monitoring was supplemented by weather monitoring data (including wind speed and wind direction measurements at 10m above ground, together with rainfall information). It is acknowledged in the report that noise from the wind turbine was audible at at this monitoring location during times of reduced road traffic noise and during periods of higher wind speeds, however from the observations made on site this was not considered to be the dominant noise at that location at any time during the noise survey. Furthermore no specific noise levels for the wind turbine could be obtained from the collected noise data at location as it was inaudible over the residual noise environment, and therefore the assessment has been based on the wind turbine manufacturer's noise data for the specific wind turbine at Coniscliffe Grange Farm (Endurance E-3120). In accordance with the ETSU-R-97 guidance (The assessment and rating of Noise from Wind Farms) the noise limit for wind turbine noise should be limited to 5dB(A) above background for both daytime and nighttime periods (except where background noise levels fall below the daytime and night time lower limits as detailed in the guidance). It goes on to say that in low noise environments the daytime level of the LA90,10min of the wind farm should be limited to an absolute level within the range of 35-40dB(A) and the fixed limit for nighttime is 43dB(A).

The report details that based on the manufacturer's noise data the wind turbine emits the highest sound power levels where wind speeds are at  $11\text{ms}^{-1}$  and predicted calculations indicate that the L90 noise level of the Endurance E-3120 will be 35.4dB(A) at the nearest proposed residential receptor when operating at a wind speed of  $11\text{ms}^{-1}$ .

This noise level is on the threshold of the lower daytime limit (outlined in ETSU for low noise environments) which is considered a good indication that wind turbine noise will have a low impact at nearest proposed residential receptors. In addition the existing noise environment is not considered to be a low noise environment as it dominated largely by road traffic noise from the A1(M) and the surrounding road network and therefore in complying with the lower limit for a low noise environment any impact given a higher noise environment will be even less. In relation to the night time period the limit set in the ETSU-R-97 guidance is higher for the nighttime than for the daytime as it is acknowledged that the nighttime period looks at the impact on people inside dwellings. The limit therefore takes into account the dwellings noise attenuation properties (i.e. reduction through an open window). Given that the assessment has shown the daytime limit will be met and that the existing noise environment is not considered to be low, Environmental Health are satisfied that the wind turbine will achieve the nighttime limit also. Furthermore there are existing properties closer to the wind turbine than those proposed and the wind turbine (12/00021/FUL) is also covered by planning conditions in relation to noise.

An assessment of the noise from the grain dryer at Coniscliffe Grange Farm has been carried out in accordance with 'BS4142: 2014 Methods for rating and assessing industrial and commercial sound' which covers sound from fixed installations which comprise mechanical and electrical plant and equipment. The assessment has focussed on the nighttime period, as background levels are at their lowest and as the grain dryer does operate overnight (when needed), the assessment is considered to be representative of a 'worst case scenario'.

Measurements of noise associated with the grain dryer were taken at two locations with the grain dryer turned on and turned off in order to establish the ambient (totally encompassing) and residual (ambient without the specific sound source) noise levels. This then enabled the specific noise level associated with the grain dryer to be extracted and compared against the background noise level and an assessment of the impact of the grain dryer on the proposed residential receptors carried out.

The BS4142 assessment for noise from the grain dryer concludes that the noise rating level at the nearest proposed receptor is less than the background noise level (by 2db) and is considered a good indication of this noise source having a low impact in accordance with BS4142. The report goes on to consider the BS4142 given the context of the proposed development and again it is concluded that noise from the grain dryer is likely to cause a low impact in the vicinity of the closest proposed receptors and that no specific mitigation is required in relation to this noise source.

Road traffic noise has been considered in the assessment in relation to the impact of existing road traffic on proposed receptors, as well as any impacts due to potential changes in road traffic as a result of the proposed development on existing and proposed sensitive receptors.

The results show that the noise impact at existing sensitive receptor locations due to changes in road traffic will be between negligible and minor adverse (highest traffic mitigation will be approximately 4dB(A) at one of the existing receptor location which is in the minor adverse impact category as detailed in DMRB). At the majority of existing

receptor locations there would be no perceptible increase in the loudness of traffic noise however at receptors closest to Staindrop Road the increase has the potential to be at the threshold of perception but having said that, the report details that this increase is considered highly unlikely to cause a significant noise impact at these existing receptors.

The noise assessment indicates that for the proposed residential areas of the development noise mitigation measures would need to be incorporated into the proposed site design to ensure that the noise levels as detailed in BS8233:2014 and WHO 1999 are achieved within gardens, living rooms and bedrooms. The results indicate that noise levels in outdoor living areas in the northern and western parts of the site (closest to Staindrop Road and the A1 (M)) will not achieve the recommended daytime noise level of 55dB LAeq. However with mitigation in the form of a 20 metre standoff area and the installation of a close boarded fence (at least 1.6 metres in height) the recommended daytime noise level will be achieved in gardens closest to Staindrop Road. It is considered that to achieve this level in garden areas in the western part of the site (nearest the A1 (M)) a close boarded fence of 1.6 metres will need to be installed or alternatively the properties could be orientated with gardens on the screened side of the dwellings.

When looking at achieving recommended daytime noise levels in living rooms the assessment considers that while standard double glazing will be sufficient to ensure internal noise levels are met with windows closed (in properties nearest to off-site noise sources), with windows open the internal noise value (for living rooms – 35dB LAeq, 16hour) would be exceeded. It is therefore detailed that some form of acoustic ventilation should be incorporated into the final design of such properties.

For the night time noise levels within bedrooms (with windows closed) standard thermal double glazing is considered sufficient to ensure the levels are met for bedrooms in the western part of the site (closest to the A1 (M)), however for bedrooms closest to Staindrop Road enhanced acoustic glazing would be required to ensure the recommended noise levels are met (30dB LAeq, 8hour). With windows open the internal noise guideline value is exceeded and therefore some form of acoustic ventilation is required for bedrooms facing both the A1 (M) and Staindrop Road. (There appears to be an error in this section (6.5.33) which refers to living rooms when I think it should be bedrooms).

These points can be dealt with via the impositions of planning conditions.

The submitted report also includes an assessment of the potential impact of road traffic noise on the proposed primary school, local store and GP Surgery. For the proposed primary school the assessment concludes that while noise levels in the vicinity of the proposed school are below the upper limit recommended by 'Building Bulletin 93: Acoustic design of schools – a design guide' (BB93) mitigation is required in order to achieve the recommended noise levels for unoccupied playgrounds (55dB LAeq) and for one outdoor teaching area to achieve levels of no more than 50dB LAeq. It is detailed in the assessment that a close boarded fence of at least 1.6 metres in height should be included between playground areas and the A1 (M) or playground areas could be situated on the screened side of the school building. For the proposed

outdoor teaching area to meet the desired level it is suggested in the report that this area could also be located on eastern part school site or again screened by the school building itself.

In terms of road traffic noise impacting the local store and GP Surgery the assessment concludes that standard thermal double glazing would be sufficient to ensure appropriate internal noise levels are met for proposed sensitive rooms with windows closed. However with windows open recommended noise guideline values in noise sensitive rooms within the surgery would be exceeded and therefore some form of acoustic ventilation would need to be incorporated within those areas. This will be better understood and should be considered in more depth once the final site layout is established.

The report mentions that mitigation measures will be incorporated into the design of the proposed mixed-use areas (assume includes sports pitches too) to ensure that noise is within acceptable levels for proposed and existing sensitive receptors. This can be considered in more depth at the more detailed design stage and can be controlled via the recommendation of planning conditions. Amongst other things the conditions are likely to include imposing restrictions on deliveries and the operation of any plant.

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.

Overall the assessment has shown that the site is suitable for its proposed use but mitigation will be required to minimise the effects of noise. Based on the information submitted while Environmental Health would not object to the application but taking into account the above comments and due to the site layout not being finalised and precise detail on some of the other noise sources not being known at this stage, conditions are being imposed to ensure control over certain elements of the development in relation to noise. The conditions also cover the potential impact of the proposed strategic spine road.

### **Land Contamination**

The Geo-Environmental Report (Phase 1) dated January 2016 looks to assess potential contamination risks associated with the historic use of the site and surrounding area in relation to the proposed future use as residential. The site is currently used for arable agricultural purposes and is surrounded by agricultural land to the south and west and to the north and east by residential areas. A site walkover was undertaken in November 2015.

While no features have been identified on the site itself unspecified tanks, pits and old clay pits were identified within 250m which have the potential to have been infilled. In addition to this a former coal depot, pumping and filtration works and cuttings/railway sidings are considered potential sources of contamination which were also identified within 250m of the site.

The report concludes that it is considered there are no significant risks associated with land quality at the site but that intrusive ground investigation should be undertaken to confirm the ground conditions and collect samples to confirm soil quality, and to test existing topsoil to assess its suitability for reuse within the development.

Environmental Health has recommended the imposition of appropriate planning conditions

### **Impact on the Setting of Heritage Assets**

Paragraph 192 of the National Planning Policy Framework 2018 (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

A Heritage Statement has been submitted in support of the planning application which confirms that there are no onsite heritage assets. However, the Statement continues to consider the impact of the development on the setting of assets outside of the site and it concludes that the development would have a neutral impact on them.

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 Statement sets out that noise, vibration, visual impact, air pollution, dust and dirt, ecological impact and heritage and Conservation Areas are considered to be outside the scope of the Transport Chapter. However it states that increases in traffic flows of less than 10% are accepted within the IEMA Guidance as having negligible impact as

daily variance in traffic flows can be of equal magnitude, unless there is a 'specially sensitive area' within the study area. Examples of 'specially sensitive areas' given within the Guidance include accident blackspots, conservation areas, hospitals and links with high pedestrian flows.

The Statement does not refer to traffic flows through the historic settlement of Cockerton which is a conservation area and therefore a 'specially sensitive area' but since the increase in traffic has been assessed and the mitigation is predicted to ease congestion (reduction in delays) it is considered that the conservation area will not be adversely affected. The mitigation works themselves would not harm the significance of any heritage assets in the locality.

The Heritage Report summarises a likely neutral impact on the setting and significance of listed buildings. None of the listed buildings referenced are in, or adjacent to the site boundary, and the Council's Historic Asset Officer agrees with this conclusion.

### **Impact on Trees**

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 eighteen individual trees, eight groups of trees and seventeen hedgerows were surveyed as part of the Arboricultural Assessment. Tree cover associated with the site included maintained predominantly hawthorn hedgerows within which stood individual ash and English oak. Two tree groups had also established adjacent to Baydale Beck, ash and hawthorn being the principal species within both groups

The majority of the trees and hedges are Category B and C species but there are two Category A trees,

The Assessment advises that the positioning residential parcels within existing field parcels and incorporating existing hedgerows within proposed green space has allowed for the retention of nearly all the existing trees and the majority of hedgerows. The change in land use will require that some sections of hedgerow be removed to create gaps for vehicular and pedestrian links between existing field parcels. This includes two proposed access points off Staindrop Road. Any losses for access points would be kept to a minimum and would avoid higher quality individual trees.

The Reserved Matters applications would consider the relationship between the layout and the retained trees which would need to be protected during the development phase which would be secured by a planning condition as would the need to include an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan with any Reserved Matters submissions.

The Assessment concludes In conclusion the proposed development should raise no objection from an arboricultural perspective with the layout having been informed by the existing tree cover allowing for the retention of nearly all individual trees and hedgerows. Where hedgerow loss is necessary to provide links between existing field parcels this loss would be mitigated for through new tree and hedgerow planting which has at this outline stage illustrated that the development will be set to significantly increase tree cover on the site.

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**

The applicant has been made aware of recent successful diversion orders relating to Footpath No 5 and Bridleway No 4 (in the Parish of Low Coniscliffe) and the revised routes will be taken into consideration at Reserved Matters stages

The Design and Access Statement in support of the planning application highlights the importance of creating and maintaining a well-connected network of green infrastructure and connectivity to the wider footpath network. It is vital that the existing Public Rights of Way are retained and maintained where appropriate and that there are linkages with the existing urban edge of Darlington. As stated above, the Masterplan shows potential links over the Baydale Beck to the existing dwellings and these links would be the subject of future planning applications.

Suitable access and crossing provisions of the existing Rights of Way will need to be created in appropriate locations which would form part of future Reserved Matters submissions.

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.

Longer distance views of the proposed development would also be available a bridleway to the north of Staindrop Road. Such views are seen within the context of Darlington's existing settlement edge. Proposed built development would be filtered by existing field hedgerows and tree belt situated within the intervening landscape. Initial Minor adverse effects would reduce to Negligible as tree and shrub planting within the proposed Green Infrastructure establishes. Negligible effects occur upon the Public Rights of Way and highway network situated within the wider landscape to the west of the A1 (M).

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.

The site comprises five large arable fields, a small area of poor semi-improved grassland, scrub, a pond, mature trees and hedgerows. Adjacent to the site to the east is an area of semi-natural broad-leaved woodland and Baydale Beck.

An Ecological Appraisal advises that the development of the site is not expected to negatively impact on any statutory or non-statutory designated sites located in proximity to the site. The hedgerows and the onsite pond are to be retained as well as measures to avoid adverse effect from development such as buffering and green corridor creation. A generous buffer to the woodland along the eastern boundary is proposed to protect this priority habitat from adverse impacts of the proposed development.

The Appraisal identifies a number of potential ecological enhancements. These include the broadening of species diversity throughout the site through the enhancement of retained hedgerows and creation of new green space. Whilst these will provide inherent enhancements, they will also provide new foraging habitat, corridors of movement and places of rest or shelter for a wide range of faunal species. Further enhancements have also been recommended through the provision of a range of new bird and bat boxes.

A Bird Breeding Survey shows that the site supports a species assemblage consisting in the most part of widespread, common and abundant species associated with arable farmland and woodland edge habitats. Few species were confirmed as breeding on

site, and no significant populations of any notable species were recorded. The Survey concludes that the proposed green infrastructure on site, involving the retention, buffering and creation of new habitats (including enhancements) will offer a wider range of suitable nesting and foraging habitats for the majority of birds currently present on site, as well as other species not yet recorded. The Survey outlines mitigation measures and recommendations which can be secured by a planning condition.

A Winter Bird Report concludes that the proposed development is expected to have negligible residual impacts on half of the 'most vulnerable' species recorded on site with the proposals continuing to provide suitable habitat for these species, or which were otherwise recorded in low numbers and/or are likely to continue to make use of similar habitats in the surrounding landscape. The proposed Green Infrastructure aims to retain the existing wood in the southern extent, boundary hedgerows, trees and scrub, and to create new habitats including further woodland planting, waterbodies and green corridors throughout the site. The retention of existing vegetation and provision of these new areas will provide some compensation for the loss of suitable roosting, loafing and foraging habitats for many of the recorded species. The GI will increase the degree of usable habitat across the site for a number of woodland edge species, and provide corridors of movement across the site. Other than in the short term, i.e. during the construction phase, the proposals are expected to have a positive residual impact on the common and widespread (arguably vulnerable) urban edge species.

A Bat Report advises that no statutory or non-statutory sites designated for their bat interest were identified within the application site or within a significant zone of influence surrounding the application site. There are some trees on site that have the potential for bat roosts and during the detailed design phase measures to avoid potential indirect impacts to roosting bats should be explored. If this is found not to be feasible then further surveys should be undertaken to identify the likely impacts and inform appropriate mitigation.

Bat activity within the application site (and surrounding habitat) is consistent with the urban edge/ intensively farmed habitat. The species assemblage recorded comprised common and widespread species which were typical of the sites geographic location. The recorded level of activity does not suggest that the application site forms a particularly important resource for the species recorded at any more than a site level.

The Reports concludes that overall the scheme broadly retains the features of most note, however, several habitat features of value at a site level will be degraded as a result of the proposals. This degradation will, however, be compensated for with the provision of sensitive development and substantial new greenspace. As such, it is considered that the overall scheme will not result in any significant net loss of habitat value to bat populations. Recommendations have been made for a range of measures that could be implemented as part of the scheme which would provide additional value to bats and these can be secured by a planning condition

A Great Crested Newt Survey Report involved surveying one onsite pond and five offsite ponds located within 500m of the site boundary to determine whether great crested newt are present and/or breeding in the ponds and so would be utilising terrestrial habitat of the site.

Great crested newt were found to be present within four of the ponds with a peak adult count of 3 recorded in the onsite pond indicating a small sized population. A medium sized meta-population was recorded within three ponds located within Broken Scar LWS 480m to the south-east. Mitigation is required to prevent negative impacts on this protected species and would involve creation of a receptor area around the onsite pond and the trapping and translocation of great crested newt from suitable habitats that are to be lost, into the receptor area. All great crested newt mitigation will require a licence from Natural England in order to proceed lawfully which can only be applied for once full planning permission has been granted.

The Survey concludes that the receptor area will expand on the available habitat that is currently present and include log piles and hibernacula that will provide additional habitat for great crested newt. Newly created hedgerows and the proposed retention of open space along the hedgerow network and Baydale Beck will allow the site to continue to provide habitat and connectivity post-development. Recommendations have been made for a range of measures that could be implemented as part of the scheme and these can be secured by a planning condition

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 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 which would be secured by a planning condition. 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 as part of this development site and the developers for adjacent site (ref no: 17/00632/OUTE) would contribute to the developers of this site for their proportional share off the value of the safeguarded land.

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
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- 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.

### **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 (2018) 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 titled 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) is currently being examined by an independent examiner and therefore it is considered that limited weighting should be given to the policies within 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 south which is the subject of a separate planning application (ref no: 17/00632/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 purposes within this planning application (and the associated dwellings in the 17/00632/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
- Personalised Travel Planning (PTP) programme
- Travel Plan Measures
- Offsite highway improvements to the Cockerton Roundabouts
- Offsite highway improvements to at A66/A67/B6280 Morton Palms Roundabout Northbound approach and A66/A1150 Burdon Roundabout
- Traffic Regulation Order on Staindrop Road
- Bridge crossing and footpath links over the Baydale Beck in locations to be agreed
- Details of the management and maintenance plan for the playing fields
- 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 7055 –L- 100 - Location Plan
  - b) Drawing Number p16033-002A – Proposed Access Arrangement

REASON: For the avoidance of doubt

5. The application(s) made pursuant to condition 1 shall not propose more than 985 dwellings, and a local centre  
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 Flood Risk Assessment (FRA) SHF.1132.050.HY.R.01.B dated September 2017 and "Foul Drainage Analysis". The drainage scheme shall ensure that foul flows discharge to the existing foul sewer at or downstream of manhole 4502 and ensure that surface water discharges to two new outfalls to the Baydale Beck.  
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 be commence on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;
  - a) Detailed design of the surface water management system
  - b) A build program and timetable for the provision of the critical surface water drainage infrastructure
  - c) A management plan detailing how surface water runoff from the site will be managed during construction Phase
  - d) Details of adoption responsibilities; and
  - e) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

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

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

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)

SHF.1132.050.HY.R.01.B dated September 2017 and the following mitigation measures detailed within the FRA:

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

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

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

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

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

14. The development hereby approved shall not be carried out otherwise than in accordance with the approved Flood Risk Assessment (FRA) Enzygo ref SHF: 1132.056.HY.R.0.1.B and the following mitigation measures detailed within the FRA:

- a) Limiting the development outside of the 8 metre distance of the Main Rivers within the vicinity

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 other period as may subsequently be agreed with the Local Planning Authority

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

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. No development shall take place until 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

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 the existing ponds and 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 “Great Crested Newt Survey Report - Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR 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 “Ecological Appraisal - Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR 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 “Breeding Bird Survey Report- Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR 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. The development hereby approved shall not be carried out otherwise than in accordance with the Recommendations contained within the document entitled “Bat Report- Land off Staindrop Road, Darlington” dated May 2017 and produced by FPCR unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the biodiversity of the site and the surrounding area
24. 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**

25. Prior to 1st occupation of the development a detailed scheme for the off-site highway improvement works at Bland’s Corner shown indicatively on drawing 14011/GA/05 rev D shall be submitted to and approved in writing by the local planning authority and Highways England.  
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
26. Prior to the occupation of the 195th dwelling, the off-site highway improvement works referred to in condition 25 shall be completed in accordance with such details as approved.  
REASON: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.
27. 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
28. 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

29. 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

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

REASON: In the interests of highway safety

31. 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**

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

Internal noise levels for bedrooms (with windows closed) shall not exceed 30dB LAeq(8 hour)\* and 45dB LAFmax

Internal noise levels for living rooms (with windows closed) shall not exceed 35dB LAeq(16 hour)\*

External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)\* unless otherwise agreed in writing with the Local Planning Authority

\*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:

Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.

The details (height, density), design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.

A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.

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

The development of the 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

#### **NOISE FROM SCHOOL DEVELOPMENT**

33. Prior to the commencement of the school development, a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the layout, orientation and design of the school development and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed sound insulation and mitigation in respect of:

Protecting external areas of the school from excessive road traffic noise (having regard to Building Bulletin 93 (2003))

The impact of noise on the proposed residential development(s) from external plant, machinery and equipment associated with the school development. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously, shall not exceed the daytime and night time background noise level at any residential property when measured and assessed in accordance with BS4142:2014 unless otherwise agreed in writing by the Local Planning Authority

The background noise level to be used in the BS4142 Assessment and noise sensitive receptors shall be agreed in writing with the Local Planning Authority.

Minimising the impact of noise on the proposed residential development(s) from the use of music rooms, halls or equivalent noise generating facilities associated with the school development.

Minimising the impact of noise from playgrounds, playing fields and/or sports pitches (having regard to intended frequency and pattern of usage).

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

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

## **SPORTS PITCHES**

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

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

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

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

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

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

## **COMMUNITY USES AGREEMENT**

36. Prior to the first use of any sports pitches to be available for Community use by users and school users(if required), a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to

the pitches and include details of pricing policy, hours of use, access by users and non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England consider necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.

REASON: To ensure the pitches are publicly available for use and to also safeguard the amenities of the future occupants of the development

## **RETAIL UNITS**

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

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

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

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

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

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

## **LIGHTING**

40. A full lighting impact assessment relating to any proposed external lighting associated with any subsequent planning applications for the school development, sports pitch(es), local store, GP surgery and play areas (including car parking areas) undertaken by an independent qualified assessor, shall take place and be agreed in writing with the Local Planning Authority prior to installation. This should include:

- a. Times of operation of the proposed lighting units.
- b. A description of the proposed lighting units including height, type, angling and power output for all lighting.
- c. Drawing(s)/contour plans showing the luminance levels (both horizontal and vertical) of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.
- d. The Environmental Zone which the site falls within, in accordance with the

- e. Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- f. Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- g. The limits for the relevant Environmental Zone relating to Sky Glow Upward
- h. Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the
- i. Institute of Lighting Professionals Guidance on the Reduction of Obtrusive
- j. Light shall not be exceeded.

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

### **CONSTRUCTION MANAGEMENT PLAN**

41. 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. 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.
  - b. Construction Traffic Routes, including parking areas for staff and visitors.
  - c. Details of wheel washing.
  - d. Road Maintenance.
  - e. 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**

42. 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

43. 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**

44. 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.

45. 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.

46. 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.

47. 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

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

relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

## LAYOUT

49. 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

50. 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

51. 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

52. 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**

53. 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

## **EDUCATION**

54. The land allocated for education purposes (1.83 hectares) and the associated playing fields as shown on the Indicative Development Framework plan (Drawing Number 7055-SK-01\_N) shall be retained for such purposes for a time period of ten years from the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

## **PLAYING FIELDS**

55. Prior to the commencement of the playing fields, precise construction details of the playing fields, including drainage shall be submitted to and agreed in writing with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In order to ensure that the playing fields are constructed to an acceptable standard with appropriate facilities

**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, connectivity with the existing urban area, 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 and management of areas of public open space, play areas and school fields 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

### **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 15 August 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://www.darlington.gov.uk))

### **LEAD LOCAL FLOOD AUTHORITY**

Further general advice to the applicant can be found on the response from the Lead Local Flood Authority - Stockton Borough Council dated 5 October 2017 which can be viewed on the Council's website ([www.darlington.gov.uk](http://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)