

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th June 2019

APPLICATION REF. NO:	16/00976/OUT
STATUTORY DECISION DATE:	13 th December 2016
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land to the west and south of Station Road, Middleton St George Darlington
DESCRIPTION:	Outline application for the demolition of existing buildings and the erection of up to 260 residential dwellings (Use Class C3) and associated access, landscaping and engineering works with details of appearance, layout, landscape and scale reserved (Amended plans received 1 st February 2019) (Additional information received 1 st February 2019)
APPLICANT:	STORY HOMES LIMITED

APPLICATION AND SITE DESCRIPTION

The application site, which extends to some 14 hectares in size, is situated to the south and west of Station Road, to the north of Middleton St George, and consists of agricultural fields bound by a number of trees and hedgerows which divide the site and create screening along parts of the site boundary.

The site is crossed by a tributary of the River Tees and flows south west into the River Tees approximately 3 miles downstream.

On the northern part of the site there are currently a number of farm buildings with vehicular access to the farm from the north of the site from Station Road. There are also two Public Rights of Way from Station Road to the east of the site to two points on the southern boundary of the site.

To the north and east of the proposed development site are residential properties on and beyond Station Road. The south of the site is bound by the Middleton St George Water Park (balancing ponds) and to the west of the site there is agricultural land.

Middleton St George village centre sites approximately 0.5km from the site offering a range of shops and services including a hair salon, takeaway, restaurant, news agent and post office.

There are bus stops located on Station Road to the north and east of the site access on both sides of the carriageway. The existing bus stops are located within a 400m walking distance from the centre of the site. Dinsdale Railway Station is located 0.6km from the site. These provide regular public transport services to Darlington, Newcastle and surrounding areas. The site is within 2km of retail offer at Morton Park that includes a Morrison's supermarket, hair salon, travel agent, news agent, dry cleaners, B&Q store, fast food, soft play, cafes and restaurants.

Planning permission is sought for the development of the site for up to 260 residential dwellings with associated landscaping and infrastructure. The application is submitted in outline with all matters reserved except for access. Details of appearance, layout, scale and landscaping would be agreed through a future reserved matters application.

Vehicular access would be taken from Station Road to the north with a proposed pedestrian access also from Station Road, to the east.

An indicative masterplan is included within the application to demonstrate how the proposed development could be accommodated on the site, and the plan includes the following principles:

- The provision of a range of house types within the development which will likely include a range of 2, 3, 4 and 5 bedroom properties across a range of densities including the potential for bungalows on the eastern part of the site;
- Dwellings in keeping with the character of the surrounding area including the use of materials predominant in the area;
- Accommodating Public Rights of Way within the site through proposed diversions;
- New vehicular access to the northern boundary of the site and footpath access/emergency vehicle access to the east of the site;
- Areas of public open space, the retention and enhancement of existing hedgerows and the inclusion of landscape buffers subject to details to be provided at reserved matters stage;
- SuDs basins managed to promote species rich marginal / wet grassland habitats;
- A comprehensive landscaping scheme to enhance the appearance of the site and the surrounding area and to enhance the ecological value of the site;

Application documents including Planning Statement, Design and Access statement, plans, consultation responses, representations received and other background papers are available on the DBC website.

Environmental Impact Assessment Requirements

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

PLANNING HISTORY

There is no planning history on this site that is relevant to this planning application.

RESULTS OF CONSULTATION AND PUBLICITY

A total of 10 letters of objection have been received from local residents as a result of the consultation exercise undertaken, raising the following concerns:

- *Houses will overlook existing bungalows on Palm Tree Villas; How will we get more information regarding proximity of houses to existing housing;*
- *The proposed house will be in full view at the rear / side of our property on Cedarwood and the design and dimensions are not compatible to the existing properties;*
- *Necessary tree maintenance / removal will affect wildlife and impact on neighbours privacy;*
- *Open space will encourage teenagers to hang about;*
- *Already have a 200 plus housing estate being built in the village very close to this area – we should now leave the village alone and build more houses in another location and wait a few more years to see how the village copes; Village close to saturation point;*
- *The submitted surveys consider all the impact on this particular case and are not based on the total impact on services / infrastructure issues that all the individual developments will cause;*
- *Developers should be made to provide funds for new roads and services before moving on and leaving the village network with a high volume of congestion and leaving DBC with costs and issues to resolve caused by this;*
- *What once was a village is now already classed as a small town;*
- *We already find it difficult to park;*
- *Traffic along Station Road has increased significantly over the past couple of years and with yet more developments the traffic is going to increase;*
- *Traffic lights would need to be put in joining Yarm / Darlington Road as already dangerous;*
- *There needs to be speed restrictions put in place for existing traffic as cars speed around the bend in the road on the corner; There have been accidents with cars losing control and damaging walls to the houses opposite; There needs to be a system of give way islands put in to slow the traffic down;*
- *Will this affect parking for those living along Station Road?*
- *The planners put forward the village shops as an advantage to the new development, however parking is next to non-existent outside the shops – what is going to happen when there are hundreds more vehicles to contend with?*

- *Nearly all the green spaces throughout the village have been taken up with development leaving very few of the original public footpaths across open spaces;*
- *Developers should be made to look at brownfield sites in and around Darlington before taking more of our ever decreasing countryside;*
- *Most people drop their children off at school using cars and most people with cars will also use them to collect shopping rather than walk carrying heavy bags;*
- *Sewerage systems already get blocked up;*
- *Further expansion will erode the heart and community spirit of the village;*

One letter of support has been received, stating the following:

- *The site is positioned to not affect the village as much during the building stages;*
- *New houses to accommodate people have to come from somewhere.*

Middleton St George Parish Council has objected to the proposed development on the following grounds:

- *There is only one access / egress to the development, which is the road coming into the village from the A67, currently a 40mph zone; There are regular incidences of drivers exceeding the speed limit;*
- *The development is likely to generate in excess of 500 vehicles; Station Road and Middleton Lane will not be able to take all those vehicles (which would be in addition to the estimated 500 from the Sadberge Road site (already approved) and the High Stell / Grendon Gardens site (already approved));*
- *The corner at Platform 1 is a blind corner from both sides;*
- *Flooding on the site is major issue; Building over the stream would constitute another flooding risk; We would not want to see the beck affected; Even with the proposed SuDs and surface water attenuation, the Parish Council does not see that the proposals to deal with such risks would be sufficient;*
- *The Roman Road (Cades Road) runs through this proposed development site, and has been highlighted by the Archaeology report; This should not be developed over;*
- *Two existing Public Rights of Way run from Station Road diagonally across the site; The proposed development shows that these would be altered; The Parish Council is opposed to any diversion or extinguishment of these Public Rights of Way; Diversion / Extinguishment Orders must be drawn up and put out to public consultation for the required period.*

The **Campaign to Protect Rural England** has objected to the application on the following grounds:

- *The application is premature as the Local Plan has not yet been tested at Examination;*
- *Given the significant five year housing land supply provision, granting planning permission for this proposal on the basis that it is in accordance with an untested emerging local plan that is subject to unresolved objections relating both to this*

particular site, and to the provisionally assessed housing need in Darlington, would undermine the planning process.

Friends of Darlington and Stockton Railway has made the following comments:

- *The developer should be requested to contribute towards the enhancement of the nearby former Stockton and Darlington Railway, currently in use as a footpath and part of the National Cycle Route 14;*
- *The emerging Local Plan proposes to allocate this site (Maxgate Farm site 99) for development. We are pleased to note that Appendix B, Housing allocation Statements, page 135, states, in accordance with policy ENV2 of the plan: 'There is a non-designated public house related to the Stockton and Darlington Railway located adjacent to the site on the corner of Station Road and Sadberge Road. Any development scheme should look to incorporate interpretation of the historic route';*
- *Story Homes already has a commitment, through a condition to the permission, to provide interpretation of the S&DR adjoining its development at Fighting Cocks at Sadberge Road. The Friends have an agreement with Story Homes to incorporate this in the repair of the derelict former station Waiting Shed, for which funding is being sought by the Friends;*
- *Recently the Friends had discussions with members and officers of the Borough Council regarding proposals for the Waiting Shed and to investigate other railway heritage enhancement measures at Fighting Cocks;*
- *If planning permission is granted, a condition should be attached requiring an appropriate contribution to be made.*

The Councils **Environmental Health Officer** has raised no objections to the proposed development subject to planning conditions requiring submission, agreement and compliance with a Construction Management Plan, noise mitigation measures and contaminated land.

The **Local Lead Flood Authority** has raised no objections to the proposed development subject to planning conditions requiring submission, agreement with a full flood risk assessment to be submitted at Reserved Matters stage and a scheme of Surface Water Drainage and management, and that the development is carried out in accordance with the submitted Flood Risk Assessment and Scheme of surface water drainage and management. Also recommended is a condition requiring full details of the proposed bridging structures crossing the existing watercourse, together with details of long term amangement, and compliance with the submitted drainage strategy.

The **Environment Agency** has raised no objections to the proposed development subject to the development being carried out in accordance with the principles of the submitted Flood Risk assessment and associated mitigation measures, which can be secured by planning condition.

Northumbrian Water has raised no objections to the proposed development subject to the development being implemented in line with the principles of the submitted Flood Risk Assessment and Drainage Strategy, which can be secured by planning condition.

The **Historic Assets Officer** has confirmed that, although the site does not adjoin the route of the Stockton & Darlington Railway, it is in close proximity to the track bed and one of the Railway Taverns, originally the Fighting Cock – which is a non-designated heritage asset within the Stockton & Darlington Railway Heritage Action Zone. The site lies within the buffer and therefore within the HAZ. A financial contribution towards interpretation of the S&DR is requested.

The Council's **Public Rights of Way Officer** has raised no objections to the proposed further to amendments to the indicatively proposed treatment of the Public Rights Of Way (PROW).

Highways England has raised no objections to the proposed development subject to S106 contributions towards the Strategic Road Network relating to Little Burdon and Morton Palms Roundabouts.

The Council's **Highways Officer** has raised no objections to the proposed development subject to planning conditions to secure submission and agreement of, and compliance with a Construction Management Plan, together with a planning condition to secure submission and agreement of details of works within the public highway, internal highways layout, a Road Safety Audit and Vehicle Swept Path Analysis.

The Council's **Transport Policy Officer** has raised no objections subject to a travel plan, a sustainable and public transport contribution to improve Service 12 frequency / availability and a planning condition requiring submission and agreement of secure cycle parking for each dwelling.

The **County Archaeologist** has been consulted and had requested further pre-determination trial trenching, although subsequently has agreed to post determination work subject to planning conditions, due to land access constraints.

The **Police Architectural Liaison Officer** has provided advice on the principles of designing out crime, which would be taken into account in a detailed reserved matters submission. The crime risk assessment for this development (based on recorded incidents in the surrounding area) is considered to be low.

PLANNING POLICY BACKGROUND

National Planning Policy Framework 2019 (NPPF)

Borough of Darlington Local Plan 1997

E2 – Development Limits

E12 – Trees and Development

H7 – Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub-Regional Role and Locational Strategy

CS2 – Achieving High Quality, Sustainable Design
CS3 – Promoting Renewable Energy
CS4 – Developer Contributions
CS10 – New Housing Development
CS11 – Meeting Housing Need
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 a Sustainable Transport Network

Tees Valley Minerals and Waste Development Plan Document

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

Other Documents

Design of New Development Supplementary Planning Document, July 2011
Planning Obligations Supplementary Planning Document, January 2013

PLANNING ISSUES

The main issues to be taking into consideration are:

- Planning Policy
- Principle of the development
- Impact on the character and appearance of the countryside
- Loss of agricultural land
- Highways and Sustainable Transport
- Public Rights of Way
- Surface Water and Flood Risk
- Design and Layout
- Ecology
- Trees
- Impact on non-designated Heritage Assets (Archaeology)
- Impact on non-designated Heritage Assets (Stockton and Darlington Railway Trackbed)
- Residential Amenity
- Contamination
- 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).

Five year housing land supply position

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 have recently 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 very recently been updated to reflect this. The guidance states that 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 plans 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 and deliverable for housing development in the emerging Local Plan. The application site is one such site.

Principle of the development

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

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

The Council is currently preparing a new Local Plan and a draft version has been consulted upon. Evidence base work to support the emerging Local Plan included an update to the Strategic Housing Market Assessment which was published in October 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 on the proposed 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.

Impact on the Character and appearance of the countryside

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.

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

A Landscape and Visual Impact Assessment undertaken by Pegasus Group (February 2019) was submitted in support of the application. The assessment, undertaken in accordance with the principles established in best practice, considers the potential effects of the indicative proposals upon; individual landscape features and elements; landscape character; and, visual amenity and the people who view the landscape. The assessment focusses on a 2km study area as it was considered that given the context of the landscape, beyond this distance would be difficult to discern within wider views and therefore likely to fall below the level of effect required to register even a minor adverse level of effect.

The site, which consists of agricultural land, adjoins the northern parts of Middleton St George. Station Road wraps around the northern and eastern boundaries of the site and is principally lined with housing. The southern boundary of the site is defined by Middleton St George Water Park. The western boundary of the site is open to the countryside.

The site is largely seen in the context of existing housing to the northern and eastern boundaries, and the Water Park to the southern boundary. Whilst the western boundary is open to the countryside, the effects of development of this site would be contained by the existing heavy vegetation, and the site would predominantly be seen in the context of the existing built form.

The indicative proposals seek to incorporate and augment existing landscape features where possible, and provide areas of open space and new planting, which would mitigate the impacts identified within the report.

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

Overall, the proposal is considered to be acceptable in respect of its impact on the character and appearance of the countryside.

Loss of Agricultural Land

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality due to its position and constraints. A recent appeal decision has determined that the development of less than 20 hectares of land, is not significant in the context of paragraph 170 of the NPPF. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

Highways and Sustainable Transport

A Transport Assessment Addendum prepared by WYG Transport (January 2019) was submitted in support of the application. This addendum updates the previously submitted Transport Assessment, which was submitted in support of the application when it was first submitted in 2016.

The report presents expected vehicular trip rates based on surveyed residential trip rates from adjacent development on Station Road. A comparison has previously been undertaken with TRICS average trip rates for similar residential developments, which demonstrated that the surveyed trip rates were higher than average TRICS residential rates and are therefore considered robust for the purposes of the assessment.

The TRICS rates used are of the correct order of magnitude for the size and location of the development, and this would show that around 207 two-way trips will be generated in the AM peak and 123 two-way trips in the PM peak period. Further analysis based on census data shows how generated traffic is distributed around the wider highway network. The traffic impact of the development within the village is minimised by virtue of the site being located at the northern edge of Middleton St George close to the A67. The distribution from the site can be summarised as follows: A66(N) 24%; B6280 12%; A66(S) 22%; Sadberge Road 5%; A67(E) 29%; Station Road (S) / Local 8%.

This demonstrates that a total of 36% of generated traffic is routed through Station Road and the road network of the village centre. This equates to an additional 74 vehicle trips in the AM peak or roughly one additional vehicle per minute. The generated traffic will therefore add towards the local theoretic maximum capacity but not exceed it.

A review of Police accident statistics shows that there is no particular pattern or history of road traffic collisions recorded within the past 5 years, and as such, there are no road safety concerns at the proposed access location or within the vicinity of the site.

The proposed development will include a single point of vehicular access to the site from Station Road via a new ghost island priority junction layout. The site access will provide a visibility splay of 45 x 160m to the east and 4.5 x 120m to the west in accordance with observed 85th percentile speeds on Station Road and guidance for a 40 mph speed limit. As such it is demonstrated that the required junction visibility standards are met.

A development of up to 300 dwellings may be served by a single point of access and as such, the Highways Officer considers the proposed access type to be adequate for the life of the development of up to 260 residential dwellings.

In addition to the main vehicular access to the site a separate pedestrian / cycle access point is proposed onto Station Road to the east of the site. This is welcomed to help provide permeability through the site for pedestrian and cycle movements and accessibility from the site to the centre of Middleton St George. This route would also provide an alternative access to the site for emergency services should the main vehicular access from Station Road be blocked.

The proposed ghost island junction will require the relocation of the existing westbound bus stop on Station Road within the site frontage and a layby has therefore been provided as part of the site access design in order to accommodate the existing westbound stop.

As part of the Section 278 off-site highway works needed, a footway should be provided to the southern side of Station Road and extend fully across the frontage of the site, to link the site access junction to the existing footway and bus stop located near to Heathfield Park junction and provide better pedestrian connectivity between the development and the village.

There are bus stops located on Station Road to the north and east of the site access on both sides of the carriageway. The existing bus stops are located within a 400m walking distance from the centre of the site.

Specific details of the internal layout have not been provided as this is an outline application however in-curtilage parking spaces across the site should accord with the latest Tees Valley Design Guidance.

Subject to a number of conditions the Council's Highways Officer has raised no objections. The proposed condition would secure submission and agreement of the following:

- i. Details of internal highways layout, site access junction and proposed link road including links to the surrounding cycling / pedestrian infrastructure;
- ii. Details of car parking and secure cycle parking and storage details;
- iii. Details of a construction management plan;
- iv. Road Safety Audit.

Highways England has been consulted and have liaised with the developer and the Highway Authority to agree a Strategic Network Contribution, based on a contribution model used for other significant developments, to both Little Burdon (£348.17 per dwelling) and Morton Palms (£1,206.03 per dwelling) towards strategic highway improvements in these locations. Based on this being included in a Section 106 agreement, Highways England has raised no objections to the proposed development.

An Interim Travel Plan prepared by WYG Limited (January 2019) was submitted in support of the application. The document seeks to provide a framework of measures to encourage a reduction in private car usage, an increase in the use of sustainable modes of transport and to improve the overall accessibility of the development.

Bus service 12 is an hourly service Monday to Saturday, with no evening service or Sunday service. In line with the requirements of other recent permissions in Middleton St George, a Sustainable and Public Transport Contribution (£203,000) is sought to increase the frequency / availability of Service 12, along with bus stop improvements to Community Centre Outbound (£5,000). This will ensure that the development is served by a half hourly bus service Monday to Saturday and that services within the village are accessible by sustainable modes.

The Council's Sustainable Transport Officer has advised that the above contributions will improve the availability and accessibility of Service 12. The submission, agreement and implementation of a final Travel Plan, should be secured by Planning Condition. To encourage more public transport use, the applicant proposes to provide each residential dwelling with a bus pass (a ticket permitting bus travel for one person for one week on the local bus network to include the number 12 bus route), and this is included in the list of planning contributions below. Also required is a planning condition to secure submission and agreement of details of secure cycle parking for each dwelling.

Public Rights of Way

Two Public Rights of Way (Footpaths No. 3 and No. 4 in the Parish of Low Dinsdale) cross the development site and link into the wider PROW network. Amended plans were submitted to indicatively demonstrate how the rights of way could be integrated into the development. The most recent indicative layout accommodates one of the diverted footpaths within a green corridor along the southern boundary of the development, and includes the creation of links with the existing footpath network, with the other footpath shown along the internal road layout and ultimately linking with the new diverted path on the southern boundary.

The Public Rights of Way Officer has raised no objections in principle to the indicative arrangements, subject to the eventual reserved matters application and an application for a formal diversion of the routes. The diversion process is a separate process to planning, however any path orders cannot be confirmed unless and until planning permission has been approved.

Overall, based on the information provided at this outline application stage, the proposal is considered to be acceptable from a planning perspective in respect of its impact on existing Public Rights of Way.

Surface Water and Flood Risk

The proposed development is situated within Flood Zone 1. The Environment Agency's flood maps highlight a number of small areas across the site of 'high' to 'low' risk of surface water flooding. SuDs areas are identified within the indicative layout.

A Flood Risk Assessment and Drainage Strategy undertaken by Patrick Parsons Limited (September 2016, updated January 2019) was submitted in support of the application. The report identifies the current site drainage characteristics and that the development will have a low to very low chance of flooding from surrounding watercourse, surface water or groundwater. It identifies that the small areas of 'high' to 'low' risk coincide with low spots on the topographic survey. The report indicates that these low spots will be eliminated in the design of the developed site and the impermeable areas will be positively drained reducing the amount of surface water, and therefore that the developed site will be at low risk of surface water flooding. The report proposes a surface water and foul water drainage strategy.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs as Local Lead Flood Authority (LLFA), has assessed the level of information submitted with this application and has indicated that at this outline stage, sufficient information has been submitted to satisfy the Local Lead Flood Authority that a surface water run-off solution can be achieved without increasing existing flood risk to the site or the surrounding area.

The LLFA has recommended that planning conditions be attached to any approval to secure submission and agreement of the following:

- A flood risk assessment to be submitted alongside the reserved matters application, demonstrating to the satisfaction of the Local Planning Authority in consultation with the LLFA, that flood risk both within or arising from the site, can be effectively managed;
- A scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme;
- Details of the proposed bridging structures crossing the existing watercourse and details for their long term maintenance;
- Compliance with the submitted drainage strategy and mitigation measures.

In addition, the Environment Agency has been consulted and has confirmed that the watercourse running through the site is Ordinary and this means that the LLFA are the competent authority to provide permissions to culvert the watercourse for the crossing.

Subject to the above, officers are satisfied that the proposed development would not increase the risk of flooding to the site or surrounding area.

Design and Layout

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.

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

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.

Saved Policy E21 (Wildlife Corridors) states that development which would materially harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes will not be permitted. It goes on to state that harm will be assessed according to the impact of development on the value of the feature in terms of its continuity and ecological structure and diversity; and that the landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

This is in general accord with paragraph 170 of the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply a number of principles, including ; a) if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort compensated for, then planning permission should be refused; b) development resulting in loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An Ecological Assessment Report (January 2019) prepared by BSG Ecology was submitted in support of the application, the scope of which was informed by previous ecological surveys in 2016 undertaken by E3 Ecology.

The report makes a number of observations, including the following;

- A. Habitats within the site are dominated by poor semi-improved grassland which is grazed by horses;
- B. An area of broad-leaved woodland is present along a watercourse in the north west of the site; Tree species within the woodland are dominated by crack willow, but also includes ash, hawthorn, elder and dog rose;
- C. Extensive sections of mature hedgerow are present within the site; Species within the hedgerow include hawthorn, elder, holly, beech, blackthorn and bramble;
- D. A number of trees are present within the field boundary hedgerows and at the site boundaries; All of the trees within hedgerows are mature and over mature

- ash. Three apple are present in the west of the site adjacent to residential properties; Semi-mature ash are present along the northern site boundary;
- E. A section of hard standing is present adjacent to farm buildings in the north west of the site; This area is accessed by a hardstanding track which enters the site from Station Road to the north of the site;
 - F. A small watercourse is present in the north west of the site; In several sections the watercourse was blocked by debris consisting of fallen tree branches and vegetation; It is shaded along much of its length with broadleaved woodland and vegetation;
 - G. Eleven agricultural buildings are present within the site boundary. These consist of three portal framed barns with eight smaller buildings and containers; All of these buildings will be demolished as part of the proposed development and therefore all were assessed for their potential to support roosting bats; All of the buildings were considered to have low to negligible potential to contain roosting bats;
 - H. Other sources confirm seven records of badger within 2km of the site; There were no records for the site itself; A small number of badger hairs were noted in the south west corner of the site during the May breeding bird survey, however no sett building or other evidence of badger activity were identified within the site; Dusk emergence surveys, transect surveys and passive monitoring overall recorded low levels of activity;
 - I. Other sources provide seven records of bats within 2km of the site (common pipistrelle, soprano pipistrelle and natterers bat). None of the records were for the site itself;
 - J. All trees located within the site, including those located along the site boundary, were assessed to determine their potential to support roosting bats; Thirteen trees were found to have bat roost potential;
 - K. A single barn owl has been recorded roosting within a hedgerow tree in the south east of the site;
 - L. The majority of the site is considered to have limited potential for breeding birds due to the open and exposed nature of the habitats present; The hedgerows, woodland and trees within the periphery of the site offer better opportunities for breeding birds;
 - M. Breeding bird surveys recorded the presence of a total of 31 species of bird within the survey area. Of these species, a total of nine were considered to be breeding or probably breeding either within or in the immediate vicinity of the site; up to 19 territories may have been present;
 - N. Other sources provide 14 records of great crested newt within 2km of the site; No records were for the site itself. No great crested newt were recorded in any of the points in the 2016 surveys; water samples sent for analysis recorded negative presence of great crested newt DNA and it is concluded that great crested newt is likely to be absent from the site;
 - O. There are no records of otter within 2km of the site; No signs of otter were noted during the watercourse survey; Habitats along the watercourse are not considered to be suitable for holt creation; The grassland habitats are considered to provide limited opportunities for otter;
 - P. Other sources provide five records of water vole within 2km of the site; No signs of water vole were noted during the watercourse survey; The site is considered to provide limited habitat for water vole;

Q. Habitat loss will take place during the construction phase of the development with no further habitat loss expected during the occupation phase; Based on the indicative layout for the proposed development it is anticipated that there will be a net loss of habitats when development takes place in the absence of mitigation, however most of this loss will be species-poor, semi-improved grassland and the habitats of greatest ecological value will largely be retained

As a result, the report makes a number of recommendations to mitigate the development and to compensate and enhance, including:

- 135 metres of species rich hedgerow will be incorporated into the landscape scheme to mitigate for the loss of sections of hedgerow within the site;
- Tree planting will be incorporated into the proposed landscape scheme to compensate for the semi-mature trees being lost along the northern site boundary to accommodate visibility splays;
- Inspection of any trees for bats will take place prior to removal and if required, a licence from Natural England may be sought prior to tree removal;
- Works will be timed to avoid the most sensitive times of year;
- Pre-works checking surveys to be completed by a suitably qualified ecologist;
- Workplace induction and briefing;
- Direct supervision of any works likely to affect trees that may be used by roosting bats;
- Creation of new bat roosts through the erection of boxes appropriate to the number of roosts to be lost;
- Lighting in the vicinity of any retained habitats and new landscaped habitats within the site should be kept to a minimum and should be directed to avoid light spillage on these areas;
- Insertion of a pole-mounted barn owl box to be erected along the western site boundary to compensate for the loss of the barn owl roost within the west of the site;
- Bird boxes to be erected in retained woodland in the north west of the site;
- Vegetation clearance work should be completed outside of the bird breeding season;
- To install eight additional bird boxes within retained woodland areas within the site;

Overall, it is considered that subject to a condition to secure compliance with the recommendations of the submitted report, it is considered that the proposed development will conserve and enhance the natural environment, providing an overall net gain for biodiversity, in accordance with the National Planning Policy Framework.

Trees

Saved Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

An Arboricultural Impact Assessment undertaken by All About Trees (September 2016) was submitted in support of the application together with an Arboricultural Method Statement, and a Tree Protection Plan. None of the trees within the site are protected but it is the intention to retain existing trees and hedgerows where possible.

In terms of this outline application, which would fix the proposed access only, the proposal would necessitate the removal of four Ash trees, one of which is considered unsuitable for retention and the remainder of which are considered to be of low arboricultural value. It would also necessitate the removal of one group of Ash trees which are also assessed as being of low arboricultural value.

Whilst the reports refer to the potential removal of other trees, based on the indicative layout, and whilst the overall arboricultural impact of this is considered to be low, this can only be assessed at reserved matters stage. To this extent, it is considered appropriate to attach a planning condition to any approval, which would require submission and agreement of a tree survey, together with adequate tree protection, to ensure that those trees to be retained in the eventual final layout, are sufficiently protected.

To mitigate and compensate for any necessary tree removal, and to enhance the development, a comprehensive landscaping scheme is proposed, and whilst this is illustrated in the indicative layout, this would be the subject of a future reserved matters application.

Further to the information submitted and subject to a planning condition, the proposal is considered to be acceptable in respect of its impact on trees.

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 directly or indirectly affect a non-designated heritage asset, 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 states that Local Planning Authorities should require 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. However the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

An Archaeological Desk Based Assessment (June 2016) and A Geophysical Survey (January 2017) both prepared by Archaeological Services Durham University (ASDU) were submitted in support of the application. The latter has identified some probable archaeological remains which will need confirming through trial trenching as they could relate to the line of a Roman road with associated road-side structures.

Durham Archaeology Team has been consulted and requested that pre-determination field evaluation following by trial trenching should be undertaken to allow the archaeological impact of the development to be fully understood.

In this case, due to the site being in multiple ownerships there exist limitations to any pre-determination works, officers have agreed with the applicant that a planning condition can be attached to any approval to require post-determination evaluation works, which would include mitigation if necessary. The Archaeology Team has agreed to this on the basis that the applicant understands the risks to eventual design or timescales should any significant remains be encountered.

Non-Designated Heritage Assets – Stockton and Darlington Railway Trackbed

The site does not adjoin the route of the Stockton & Darlington Railway, but is in close proximity to the track bed and one of the Railway Taverns – originally the Fighting Cocks – which is a non-designated heritage asset within the Stockton and Darlington Heritage Action Zone. The Stockton and Darlington Railway Heritage Action Zone includes a buffer of 50 metres either side of the track bed. A section of the application site therefore falls within the Heritage Action Zone.

It is likely that the Platform No. 1 Public House / Fighting Cocks site, which includes remains of the original structures connected to a Coal Depot, Waiting Shed and the original Railway Tavern, will be subject to further research, archaeological investigation, interpretation and protection in the future by the Friends of Darlington and Stockton Railway.

In view of the above, the Heritage Action Zone Project Manager has recommended that a financial contribution of £10,000 is sought for research and interpretation and the applicant has agreed to this.

Residential Amenity

Residential amenity in terms of the layout of the site and achieving an acceptable level of amenity for existing and future residents will be given full consideration when any application(s) for reserved matters are submitted.

The application has been submitted with an Air Quality Assessment prepared by WYG Limited (September 2016) together with an Air Quality Addendum (December 2018) which was produced to provide additional, updated information further to updates to guidance and baseline air quality information, which have been published since the initial Air Quality Assessment.

The report considers the impact of the effects associated with the proposed development on receptors in the surrounding area. It has concluded that the impact of the development on the prevailing air quality in the area will be negligible for all existing and proposed receptors, and concludes that the site is suitable for the proposed development.

The Council's Environmental Health Officer has been consulted and agrees with the conclusions of the report, which demonstrates that the impact of the development will be significantly below air quality standards designed to safeguard health. It is therefore considered that mitigation measures to offset the impact of the development on air quality are not required.

The Council's Environmental Health Officer considers that noise and dust from a development on this scale, could potentially impact on existing residents as well as new occupiers of the proposed properties who move in before the entirety of the site is completed. In order to minimise these impacts and to achieve some control over the construction process, it is therefore recommended that a condition be attached to any approval to require submission and agreement of a full Construction Management Plan, which would include the assessment of potential impacts of construction dust, but would also consider such issues as construction traffic routes, parking, details of wheel washing and proposed hours of construction.

An Assessment of Noise Levels and Noise Amelioration Measures prepared by LA Environmental Consultants (September 2016) was submitted in support of the application together with a further update (December 2018). The report made an assessment of noise based on a northern site access point into the site. The predominant noise source in the area was found to be road traffic noise on Station Road.

The Council's Environmental Health Officer is satisfied with the conclusions of the report and recommends a planning condition to secure submission, agreement and implementation of a scheme to protect future occupiers of the proposed development, from the effects of road traffic noise.

Contamination

A Preliminary Investigation (desktop study with site walkover) prepared by Dunelm Geotechnical and Environmental (February 2016) was submitted with the application. This identified that no major contamination issues were anticipated on site because there has been no history of industrial land use on the site, although there were areas of significant industry immediately to the north where the former brick and tile works were located.

Given the scale of the site and the sensitive end users proposed to be introduced, the Council's Environmental Health Officer has recommended that the standard contaminated land conditions CL2-CL6 be attached to any approval. These deal with site investigation works, a remediation and verification strategy, construction / remediation works and a Verification and Completion Report. Subject to the inclusion of these conditions, the Council's Environmental Health Officer has raised no objections.

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 agreed Heads of Terms proposes the following:

- i) £348.17 per dwelling towards strategic highway network improvements in Little Burdon as requested by Highways England;
- ii) £1,206.03 per dwelling towards strategic highway network improvements in Morton Palms as requested by Highways England;
- iii) Education Contribution £3,055 per dwelling towards the construction of a new Primary School in Middleton St George;
- iv) £208,000 to contribute to enhancement of public and sustainable transport within the village;
- v) Provision of one bus taster ticket per dwelling (a ticket permitting bus travel for one person for one week on the number 12 bus route or any replacement service);
- vi) £10,000 towards research and interpretation of the former Darlington and Stockton Railway;

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

The above were considered with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The Highways Officer indicated that there are current parking problems in Middleton St George, which restricts the free flow of traffic at localised pinch points. Station Road from the railway bridge to The Square is a particular problem as many people park for short durations while visiting local shops and other amenities. The Council is therefore looking to create additional off-street parking to help accommodate these vehicle trips which would help alleviate this bottleneck. The Highways Officer has requested a financial contribution as part of a Section 106 agreement to help towards a mitigation scheme.

Officers have carefully considered this issue and have had detailed discussions regarding how it meets the necessary tests set out in the CIL regulations, and also in the context of consistency of approach in terms of other recent committed developments within the village. Overall it is not considered that this is necessary to make the development acceptable in planning terms, and officers have therefore not sought to include this in a Section 106 agreement.

Delivery

To ensure the Council maintains a five-year supply of housing land and to progress to the delivery of dwellings within a short time frame, a condition is recommended which

sets a short time scale for the submission of the reserved matters application. A period of 18 months is considered appropriate.

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

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

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

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

RECOMMENDATION

THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

- i) STRATEGIC NETWORK IMPROVEMENTS;
- ii) EDUCATION CONTRIBUTION
- iii) PUBLIC AND SUSTAINABLE TRANSPORT CONTRIBUTION;
- iv) FORMER STOCKTON AND DARLINGTON RAILWAY CONTRIBUTION;
- v) PROVISION OF ONE BUS PASS PER DWELLING

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

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF CORE STRATEGY POLICY CS4 (DEVELOPER CONTRIBUTIONS), WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.

1. Approval of the following details ("the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
 - a) layout
 - b) scale
 - c) appearance
 - d) landscaping

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of eighteen months from the date of this permission.

REASON – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

2. The development hereby permitted shall be begun either before the expiration of;
 - (a) three years from the date of this permission, or
 - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.
2. PL (Accordance with plans)
SD-10.01 Rev L Masterplan as proposed
SD-10.03 Rev F Masterplan as proposed Arial Montage – Key Features
3. The submitted landscaping scheme, to be submitted as a Reserved Matter, shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenities of the area.

4. 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 as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme for the development as a whole or within each phase shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of the housing units;
 - b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy

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

REASON – In the interests of visual and residential amenity.

6. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, a detailed survey of trees to be affected by the development shall be carried out. The survey shall include the identification of appropriate measures to protect existing trees proposed to be retained in order to protect them from damage by compaction, severance and material spillage, in accordance with the principles of BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the necessary agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place during the period of development of this planning permission as required in the provisions of the approved survey. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees unless provided for specifically in the specification:
 - a) The raising or lowering of levels in relation to existing ground levels;
 - b) Cutting of roots, digging of trenches or removal of soil;
 - c) Erection of temporary buildings, roads or carrying out of any engineering operations;

- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment;

REASON – To ensure a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

7. No tree or hedgerow removal or works to buildings shall take place within the bird breeding season (March to August inclusive) unless a bird nesting survey has first been undertaken by a suitably qualified ecologist which confirms that tree and hedgerow removal of works to buildings can commence.

REASON – In the interests of ecology

8. Prior to the commencement of the development (excluding demolition) precise details of the internal highways layout, site access junction, and links to the surrounding pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of highway safety

9. No development (excluding demolition and site access works) shall commence unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, and service vehicles for the internal network, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

10. Prior to the commencement of the development (excluding demolition and site access works), 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 development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

11. A Road Safety Audit shall be carried out for all of the s.278 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

12. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement. Thereafter, the development shall

not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

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

13. The development permitted by this planning permission shall only be carried out in accordance with the principles of the approved Flood Risk Assessment (FRA) (Patrick Parsons) and the following mitigation measures detailed within the FRA:

1) The Details of the development layout must be shall be submitted to the Local Planning Authority, who will consult with the Environment Agency, to confirm in writing the satisfaction that it is in accordance with the principles of the FRA and ensures that no dwellings are located within the 'extent of flood risk' area defined on the Drainage Strategy Sheet 1 Preliminary N16155-220 Rev P4.

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

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

14. No development shall commence until a detailed Flood Risk Assessment and scheme for the disposal of surface water on the site demonstrating that flood risk, both within and arising from the site, can be effectively managed has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The scheme shall be in accordance with the principles set out by the Flood Risk Assessment written by Patrick Parsons (document number N16155 Revision 2) and Drainage Strategy Sheet 1 Preliminary N16155-220 Rev P4 and include the following details:

- Detailed design of the surface water management scheme (for each phase of the development) which includes the following mitigation measures;
 - i. The development surface water discharge rate shall be limited to the existing greenfield runoff rate (QBAR value)
 - ii. The design shall provide sufficient storage within the system to accommodate a 1 in 30-year storm event and shall also ensure that storm water arising from a 1 in 100-year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or the watercourse.
 - iii. Details of adoption responsibilities.
- Detail design of all SuDS features highlighting all site levels, including the 30-year and 100-year plus climate change flood levels and confirmation of storage capacity;
- An implementation, maintenance and management plan of the surface water drainage scheme covering the lifetime of the development;

- A management plan detailing how surface water runoff from the site will be managed during the construction phase.

The development shall be implemented and managed and maintained in full accordance with the approved details.

REASON – To ensure the site is developed in a manner that will not increase the risk of flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and having regard to the requirements of paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

15. No development approved by this permission shall be commenced until full details for the proposed bridging structures crossing the existing watercourse and details for their long-term maintenance have been submitted to and approved in writing by the Local Planning Authority. The bridges shall be constructed in accordance with the approved details and maintained thereafter in accordance with the submitted details.

REASON – To ensure the site is developed in a manner that will not increase the risk of flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and having regard to the requirements of paragraphs 30-32 of the Flood Risk and Coastal Change section of the planning practice guidance.

16. The mitigation measures set out in the Ecological Assessment Report prepared by BSG Ecology submitted on 8 February 2019 shall be implemented in full.

REASON – In the interests of ecology

17. No development shall commence until precise details of a scheme for the provision of a pole mounted barn owl box, bat roosting and bird nesting opportunities on the site, including a programme for their delivery, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full in accordance with the approved programme and maintained for the lifetime of the development.

REASON – In the interests of ecology

18. All garden fences to the rear of properties require at least one ground level access space of min 150 X 150mm between properties for hedgehog accessibility.

REASON – In the interests of ecology

19. Development shall be implemented in line with the principles of the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "23.01.2019". The drainage scheme shall ensure that foul flows discharge to the combined sewer at or between manholes 2903 -3802 and ensure that surface water discharges to the existing watercourse.

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

20. No development, as it affects that part (or phase) of the site to be developed shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:

- (i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- (ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- (iii) Post-fieldwork methodologies for assessment and analyses;
- (iv) Report content and arrangements for dissemination, and publication proposals;
- (v) Archive preparation and deposition with recognised repositories;
- (vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
- (viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

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

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

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

22. Prior to the commencement of the development, a Demolition and Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plans 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality

Management "Guidance on the assessment of dust from demolition and construction" February 2014.

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of the impact on Public Rights of Way during the construction period;
- e) Details of vehicle cleaning.
- f) Road Maintenance.
- g) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

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

23. Construction and demolition work 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 residential amenity

24. Prior to the first occupation of the development hereby approved, a scheme for protecting future occupiers of the proposed development from the intrusive effects of road traffic noise shall be submitted to, and approved by, the Local Planning Authority. These measures shall be installed prior to the first occupation of each of the dwellings requiring the measures and retained thereafter for the lifetime of the development. Sound insulation measures as outlined in the LA Environmental Consultants Report ref: SH/MSG/001 submitted with the application, or equally effective measures, shall be installed at appropriate locations within the development. Any acoustic windows installed within the development must still be openable to allow future occupiers to utilise purge ventilation should they choose to do so. The required mitigation measures are outlined in Section 6 of the report and are set out below:

- the installation of enhanced glazing in facades of properties close by Station Road;
- the installation of a suitable sound attenuated method of ventilation within those same properties;
- the installation of a close boarded acoustic fence in the garden areas of properties adjacent to Station Road.

REASON – In the interests of residential amenity

25. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed 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 sources, hazards and impacts. 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

26. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

27. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, 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 if 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 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. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

REASON – The site may be contaminated as a result of current or past uses and / or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

28. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

29. A Phase 4 Verification and Completion Report shall be compiled if required and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved 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 as it affects that part (or phase) of the site to be developed 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

INFORMATIVES

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

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

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

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

The existing Public Rights Of Way should remain open and accessible during the construction period. If this is not practical, a temporary Traffic Regulation Order will be required to close the existing routes and provide alternatives.

A trunk main and public sewer are present within the redline boundary of the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. Northumbrian Water will continue to work with the developer to establish the exact location of these assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. Further information is available at <https://www.nwl.co.uk/developers.aspx>.

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30-year storm. The design shall also ensure that storm water resulting from a 1 in 100-year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100-year event plus climate change shall also be provided. The calculations shall include an allowance of 10% to account for development creep over the lifetime of the development and assess the impact of the outfall to the watercourse being surcharged under design conditions.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilising the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS integrate into the landscape.

The developer shall provide a detailed programme time table or Gantt chart demonstrating how the drainage system will be sequentially constructed and being fully operational prior to the completion or occupation of the first dwelling on site whichever is sooner.

A local flood risk assessment shall assess the capacity of the ordinary watercourse that falls within the development boundary and the potential for localised flood risk from all the existing ponds to the south of the development including means of overflow and

over land flow routes. Necessary mitigation measures including increased finished floor levels for new dwellings shall be identified having regard to potential high water levels and shall be submitted to and approved in writing by the Local Planning Authority.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of a sustainable drainage system within the site.

There is an ordinary watercourse that crosses the proposed development site, a survey of any existing drainage systems including water bodies/watercourses must be undertaken and details provided within the Flood Risk Assessment/Drainage Strategy. The survey must consider the condition of the watercourse/drainage system in which the SuDS may discharge too. If any drainage system is identified on site during construction works the Lead Local Flood Authority should be notified. Any existing watercourses situated within the boundary of the proposed development site must be protected and the LLFA must be informed of any proposed works to the existing watercourses.

If the applicant proposes to discharge surface water into an ordinary watercourse, there is a legal requirement to obtain consent from the Lead Local Flood Authority (LLFA) if the applicant intends to carry out any works in, over, under, or within 10 meters of the watercourse, whether permanent or temporary. No works on a watercourse can proceed until written consent has been granted by the LLFA. A land drainage consent is standalone application that could take up to 8 weeks for determination. This is to ensure that any works do not endanger life or property by increasing the risk of flooding or cause harm to the water environment.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
2. 1 in 100 year plus 20% climate change;
3. 1 in 100 year plus 40% climate change.

Drainage systems can be designed to include a 20% allowance for climate change;

- Drainage systems can be designed to include a 20% allowance for climate change;
- A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
- If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

The watercourse running through the site is Ordinary and this means that the LLFA are the competent authority to provide permissions to culvert the watercourse for the crossing. We would recommend that a full discussion with them enables the culvert to be designed correctly and the risk of blockage is mitigated.