

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4<sup>th</sup> April 2018**

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**APPLICATION REF. NO: 17/01194/OUT**

**STATUTORY DECISION DATE: 4<sup>th</sup> April 2018**

**WARD/PARISH: HURWORTH**

**LOCATION: Land at OSGR E430566 N510791 Roundhill Road Hurworth Moor Darlington**

**DESCRIPTION: Outline application for residential development of up to 95 dwellings**

**APPLICANT: Banks Property Limited**

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**APPLICATION AND SITE DESCRIPTION**

The application site, which extends to some 5.5 hectares and lies to the north of Hurworth village, consists of previously undeveloped agricultural land. Further agricultural land bounds the site to the north, with the Bellway Housing site, in the initial stages of construction, to the south. Existing hedgerows and trees form the main boundaries to the site, with an existing watercourse, Cree Beck, located on the eastern boundary of the site. On the western side of Roundhill Road is an existing farm. There are no historic or statutorily protected buildings or scheduled ancient monuments on or near the site.

This application seeks outline consent for up to 95 dwellings with associated parking, landscaping and open space. This application seeks detailed approval for access only with matters relating to scale, layout, and appearance and landscaping to be considered as part of a future Reserved Matters application.

Access to the development would be taken from Roundhill Road in the form of a simple T-junction with visibility splays consistent with traffic speeds on Roundhill Road.

An indicative plan has been included within the submission, to demonstrate how the site could be developed for up to 95 dwellings with associated infrastructure and to illustrate the relationship between the Bellway site to the south and this planning application. This indicative plan includes the following design principles:

- Low density development to reflect that of other residential developments in the locality;
- Active frontage onto part of Roundhill Road to respect the existing built form and encourage reduced vehicle speeds;
- A variety of 3-5 bedroom family dwellings with a maximum height of two storeys;

- Houses directly facing onto a SUDs area with associated amenity space to provide a focal point to the development, with the potential for the inclusion of a wildflower meadow within part of the amenity space to provide ecological enhancements;
- Structured planting to the northern boundary comparable to existing landscape in the northeast boundary.

The proposal has been the subject of pre-application consultation exercises with local residents in accordance with the Council's guidance contained within the Statement of Community Involvement document (2010).

**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 2011 (as amended).

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 relevant to this planning application.

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

#### **National Planning Policy Framework 2012 (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

## **Interim Planning Position Statement 2016**

### **Other Documents**

Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

## **RESULTS OF CONSULTATION AND PUBLICITY**

Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

**64 objections** to the planning application were received, raising the following concerns:

- *No need for additional houses; Dwelling requirement incorrect;*
- *Should be considered through local plan process;*
- *Unsustainable location; reliance on private car;*
- *Impact on highway safety;*
- *Congestion at school times which will also put pedestrians at risk;*
- *As part of the travel plan there should be a significant extension of the double yellow lines on Roundhill Road and Friars Pardon to encourage children and parents to walk to /from school;*
- *A cycle way should be provided to facilitate car free travel between Hurworth and Darlington;*
- *Travel plan does not recognise that most residents travel northwards to Darlington when it addresses cycling; Suggestion to look at either widening Roundhill Road and reducing speed limit to make it safe to cycle along or connect Hurworth to Darlington with an off-road cycle path;*
- *Transport assessment incorrect in its assessment of no further need for mitigation at the junction adjacent to the spar shop;*
- *Public transport inadequate for the existing residents – site not located on the main bus route;*
- *Added pressure on village amenities such as doctors surgery;*
- *Added pressure on a dated drainage system; Already surface water from heavy rainfall backing up onto surrounding roads; Flooding;*
- *Added pressure on already failing sewerage system;*
- *Impact on trees / hedgerows;*
- *Loss of valuable agricultural land;*
- *Schools are full to capacity;*
- *Affordable housing will not be provided on site;*
- *Development will offer insufficient choice of housing;*
- *Impact on character of the village;*
- *Impact on landscape and openness of countryside;*

- *Conflict with the Council's Green Infrastructure Strategy;*
- *Erosion of separation between Darlington, Hurworth Moor and Hurworth on Tees;*
- *Over the last 10 years 105 houses have been built within the village – these have been infill and in keeping with the character of their surroundings;*
- *Impact on local eco system which includes threatened bird species such as starlings and tree sparrows and loss of green space;*
- *Odours from farm at 23 Roundhill Road have already been the cause of a number of complaints;*
- *We do not yet know the effect of the current Bellway development on the village;*
- *Out of sync with the local parish council who are drawing up plans for how they wish the communities to grow and develop over the next 10 to 20 years;*
- *Setting a precedent for other housing developments in the village;*

**Seven** letters of support were received raising the following points:

- *The character of the village will not be changed by this development as the proposal will only increase the number of households by 5%;*
- *It is encouraging that the new houses could be built within the next two years which will see new people and families in our community;*
- *The development will bring significant economic, environmental and social benefits including much needed new recreational facilities for young people in our village;*
- *The development will bring around £900,000 new homes bonus for DBC and generate £170,000 council tax payments each year;*
- *Around 30 local jobs would be provided during the construction phase as well as significant supply chain opportunities which would support the local and regional economy;*
- *The development will provide further traffic calming measures on Roundhill Road, new green spaces for local people to enjoy as well as improving educational facilities;*

**Hurworth Parish Council** have not commented on the principle of the proposed housing development. A response has been provided requesting the following Section 106 requests to be considered:

- *Provision of a footpath and / or cycle route connecting the village with Darlington;*
- *Contribution to the expansion and renovation of the existing Children's Play area at the Community centre;*
- *Provision of a second play area within the grounds of the new development or within the local area of the new development on DBC land on Westfield Drive known locally as 'Manorfields';*
- *Expansion of car parks at the Community Centre and Hurworth Primary School;*
- *Provision of affordable housing on-site;*
- *Improvements to existing footpaths.*

**30** objections to the above **Section 106 requests from Hurworth Parish Council** were received from local residents, raising the following concerns:

- *Before Hurworth Parish Council submitted the S106 request to DBC it did not offer any opportunity for residents to scrutinise or oppose any of its contents – nor were they shown to or voted on by all council members. No weight given to the long standing*

*objections of those residents who will be most impacted by the negative aspects of new play facilities on their doorsteps;*

- *Object to land off Westfield Drive being developed as a playground or other community facilities;*
- *There is a lack of parking and adding parking would cause further lack of green space and traffic issues near the two schools;*
- *Lack of toilet facilities;*
- *It is a valuable green space for the village in its current form;*
- *It would attract anti-social behaviour which could cause intimidation / stress / health issues to some of the nearby residents;*
- *Potential for noise issues due to the proximity to housing;*
- *Litter problems;*
- *Hurworth House Priory School is in very close proximity which could lead to issues with the interaction with large groups of youths at the playground;*
- *Playgrounds, especially those easily accessed at all times tend to be vandalised; The costs of repair and maintenance would be a burden or alternatively the facilities could fall into disrepair;*
- *Field is used by many people and we don't have any problems;*
- *Section 106 funds should not be spent on projects which could have a negative impact on a significant number of people;*
- *Green space should be preserved within the village to help retain its character;*
- *Impact on trees;*
- *A playground built within the proposed development may be a better option as it would not lead to loss of existing amenities;*
- *Development of the existing facilities at the Grange would also be preferable.*

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

- *The site lies outside of the development boundary and is therefore contrary to local plan policy E2 (Development Limits) and H7 (Areas of Housing Development Restraint); CS1 (Darlington's Sub-regional Role and Locational Strategy) and CS2 (Achieving High Quality Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness);*
- *Accept Darlington now has a 5-year housing supply meaning that policies relating to housing supply carry full weight; however, proposals for housing should comply with the development plan.*

### **Consultee Responses**

The Council's **Highways Officer** has raised no objections subject to planning conditions to secure details of the highway layout, footways, cycle parking and a Construction Management Plan.

The Council's **Environmental Health Officer** has raised no objections subject to a planning condition to secure submission and agreement of a Construction Management Plan.

The **County Archaeologist** has raised no objections to the proposed development subject to planning conditions to secure the implementation of a programme of archaeological work in accordance with an agreed Written Scheme of Investigation, together with a mitigation strategy.

The **Public Rights Of Way Officer** has raised no objections to the proposed development and has requested a sustainable transport contribution towards maintaining and improving the local footpath network.

The Council's **Transport Policy Officer** has raised no objections subject to a planning condition to secure cycle parking to the new dwellings, and a Sustainable Transport Contribution.

The **Police Architectural Liaison Officer** has raised no objections to the proposed development.

The **Local Lead Flood Authority** has raised no objections to the proposed development subject to planning conditions related to the submission, agreement and implementation of a scheme of Surface Water Drainage and Management.

**Northumbrian Water** has raised no objections to the proposed development subject to a planning condition to secure implementation in line with the submitted Flood Risk Assessment / Drainage Strategy.

**Northern Gas Networks** has raised no objections to the proposed development.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Impact on character and appearance of the countryside
- Loss of Agricultural land
- Highway and sustainable transport issues
- Surface Water and Flood Risk
- Design and layout
- Ecology
- Trees
- Impact on non-designated Heritage Assets (Archaeology)
- Residential Amenity
- Contamination
- Developer contributions
- Delivery

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions. The NPPF support the plan-led system, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. An update to the Strategic Housing Market

Assessment was published in Oct 2017. This work indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. A 20% buffer has been applied to this figure due to previous under delivery. The Council is currently preparing a new Local Plan and an assessment of sites with extant planning permission and deliverable potential allocations in the emerging Local Plan currently shows that a 6 year supply [approx.] of deliverable housing land can be demonstrated. Consequently, policies relating to the supply of housing can now be given weight in the planning balance.

It should be noted that a recent Court of Appeal decision (*Barwood Strategic Land II LLP v East Staffordshire Borough Council & Anr.* Case Number: C1/2016/4569) has addressed the scope of the NPPFs presumption in favour of sustainable development policy. The judgement clarifies that the presumption in favour of sustainable development should not apply in instances where a local council has an up to date local plan. As Darlington Borough Council can demonstrate a five-year supply of housing land, policies relating to the supply of housing are considered up to date and the presumption should not apply.

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). Hurworth is however identified as one of the larger villages in the Core Strategy and is served by local facilities and infrastructure. The village has been identified as a suitable location for housing development in the Core Strategy, when the housing strategy is not achieving appropriate levels of delivery. This approach is also outlined in the Interim Planning Position Statement.

Despite the conflict with the above policy, the application site is an area that the Council considers suitable for housing development and are proposing for allocation in the emerging Local Plan. The site also makes a valuable contribution to the Council achieving a five-year supply of housing land and boosting significantly the supply of housing in line with paragraph 47 of the NPPF. The principle of residential development on the site is therefore considered acceptable.

In summary, despite the conflict with saved policy E2, when considered in the context of the emerging Local Plan and the sites contribution to the five-year supply of housing land, the principle of residential development on the application site is considered acceptable.

### **Impact on character and appearance of the countryside and the village**

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.

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements.

The site, which is currently an agricultural field, would adjoin the built form along the southern boundary. It is considered that development would appear as a modest extension to this built form and would not affect the relationship between towns and villages nor impact adversely on

natural landscape character and this would be assisted with the proposed structured landscaping. If the application were to be approved, suitable planning conditions relating to open space and landscaping should be attached to the consent ensuring that the overall impact of the development would be softened to an acceptable level.

### **Loss of agricultural land**

At paragraph 112, 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 agricultural land, the applicant would be asked to submit further information. In this case, the applicant has submitted an Agricultural Land Classification Report undertaken by GSC Grays (January 2018).

Although based on detailed land classification records, the site has not been classified since 1988; the land to the north and south of the site is shown to be Grade 3b. An assessment of the agricultural land classification was undertaken based on the 'Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land, October 1988'. The assessment considered the main limiting factors used in the Agricultural Land Classification System, being; Climatic limitations, site limitations, soil limitations and interactive limitations.

The assessment concludes that all the land should be classified as no better than Grade 3B and pockets of land within this area deemed to be Grade 4. The report explains that Grade 3B is deemed to be moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass, or a lower range of a wider range of crops, or high yields of grass which can be grazed or harvested over most of the year. As the entire site is in arable crop production, but only growing broad acre crops, this correlates with the overall agricultural land classification assessment of the site being Grade 3B.

As the land is classified as being of poorer quality (i.e. not in Grade 2 or 3A), it is not considered that the impact of the proposal on the loss of agricultural land is significant. Notwithstanding this assessment, it is not considered that the loss of this site would be so significant as to adversely impact on the agricultural economy or operations within the immediate vicinity.

### **Highways and Sustainable Transport Issues**

A Transport Assessment undertaken by S.A.J Transport Consultants (December 2017) has been submitted with the planning application. This Assessment takes into account the Bellway site to the south, granted in late 2016. This demonstrates that the development would not create a severe impact on the local highway network.

The site access junction and major junctions either side of the development on Roundhill Road were assessed, namely Roundhill Road / The Green / West End T Junction and A66 / Neasham Road roundabout for capacity and it is demonstrated that the development traffic does not cause a severe impact at these locations and therefore no mitigation is proposed.

Speed surveys were also carried out and these show that vehicle speeds past the proposed access exceed the 30mph speed limit in the northbound direction at the point taken therefore additional

traffic calming will be required to reduce vehicle speeds. A scheme has been submitted and approved by Durham Police that provides a priority system to reduce vehicle speeds as well as a revised speed limit to extend the 30mph north of the new access.

There have been no accidents within the last 5 years data within 50m of the new access junction leading off Roundhill Road. No reported accidents are evident at the main junction in the village (Roundhill Road / The Green / West End T Junction) with the closest accident to the site approximately 450m north on Roundhill Road. It is concluded that whilst traffic flows will increase on the local road network the development traffic will not have a material impact on road safety.

The Highways Officer has been consulted and has raised no objections to the proposed development subject to a planning condition to secure submission and agreement of the following:

- i) Internal highways layout and site access junction to include provision of a footway along Roundhill Road across the frontage of the development connecting into surrounding infrastructure;
- ii) Vehicle swept path analysis to support the movement framework for emergency vehicles, refuse and service vehicles;
- iii) Car parking and secure cycle parking;
- iv) Construction Management Plan;
- v) Road Safety Audit for all the works within the public highway.

The Highways Officer has indicated that the Highways Team are aware of minor congestion at the junction of Roundhill Road / The Green / West End, which is largely exacerbated by the presence of parked cars on or close to the junction, and will consider the use of increased areas of parking restrictions to help alleviate this.

The provision of a traffic-calming scheme would be undertaken by DBC on behalf of the developer with a sum of £50,000 to be released from Section 106 contributions to allow this to be undertaken prior to first occupation.

A travel plan has also been submitted alongside the application. Its findings can be summarised as follows:

- The development site will be well integrated with the existing pedestrian and cycle infrastructure ensuring very good accessibility by these modes of travel which provides links to local services and amenities;
- Public transport services also provide a sustainable alternative to single occupancy car travel;
- The production of a Sustainable Travel Pack to be distributed to all occupants of new housing with a range of initiatives, aimed at promoting sustainable forms of transport.

The Council's Sustainable Transport officer has raised no objections based on the Travel Plan submitted but has requested some minor alterations concerning monitoring arrangements and targets. As such, it is recommended that a planning condition be attached to any permission to secure a submission of and compliance with a Travel Plan. Also requested is a condition requiring submission, agreement and implementation of cycle parking.

In addition, a sustainable transport calculation within the Planning Obligations SPD is triggered by this development. This contribution would be used to part fund two highway schemes in Hurworth in addition to the traffic-calming scheme on Roundhill Road. Firstly, it would be used to part fund a 20mph traffic calming scheme close to the secondary school. Secondly, it would be used towards funding a cycle link between Hurworth and Darlington. Also proposed is a public transport contribution to pump prime bus service 12 for an additional year (in addition to the five years of pump priming already secured through Section 106 contributions from the Bellway site to the south).

### **Surface Water and Flood Risk**

The majority of the proposed development is in a Flood Zone 1 however; the extreme eastern edge of the site and the site boundary is located within Flood Zone 2 and Flood Zone 3. The residential element of the development would be wholly contained within the part of the site that is located within Flood Zone 1.

The applicants have submitted a Flood Risk Assessment and Drainage Strategy undertaken by Shadbolt Group Consulting (December 2017).

Stockton Borough Council, who act as the Council's technical advisors for SuDs, has assessed the level of information submitted with this outline application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and funding arrangements.

Also required are conditions to ensure that the development is only carried out in accordance with the Flood Risk Assessment and Drainage Strategy submitted within the application, and also that the buildings are not brought into use until the requisite elements of the surface water management system are in place and fully operational.

### **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.

Paragraph 109 of the NPPF 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.

An Extended Phase 1 Habitat Survey report undertaken by BSG Ecology (November 2017) was submitted with the application.

The report indicates that the habitats present on the site are generally of low ecological value, being dominated by species-poor improved grassland used as grazing land. There is no evidence that badger, otter and water vole are present within the site. Bat surveys identified no evidence of bats roosting within the site and only low levels of common and soprano pipistrelle bats foraging and commuting within the site. The majority of the site has limited potential for supporting breeding birds and this is reflected in the number of species and individual birds using the site, which was low, and is supported by the Breeding Bird Surveys undertaken for the site to the south in 2016. No other protected species have been identified within the site. The report identifies that the development is likely to result in localised impacts of flora and fauna, which should be offset by landscaping proposals.

The report makes a number of recommendations, including:

- Hedgerows and trees within the site are retained where possible;
- Retained habitats should be protected from damage by adopting best practice;
- The design and implementation of adequate landscape planting;
- SUDs area to be designed and constructed to benefit wildlife as well as fulfilling a drainage function;

Overall, it is considered that subject to a condition to secure submission and agreement of a detailed mitigation plan for species identified in the Phase 1 habitat survey along with a comprehensive landscaping scheme, the proposed development will conserve and enhance the natural environment.

## **Trees**

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 Innovation Group Environmental Services (December 2017) was submitted with the application. Also submitted was a Landscape Masterplan. None of the trees within the site are protected but the intention is to retain existing trees and hedgerows where possible.

The report identifies that there are 10 individual trees, 7 groups and 2 hedgerows within the site. The development would necessitate the removal of a total of 7 No trees within the site, together with one section of hedgerow. The majority of these fall within category U which are those in

poor condition and should be removed regardless of development. One tree and section of hedgerow is considered to be of moderate quality but would require removal due to accommodate the development.

The proposals within the Landscape Strategy incorporates new and existing landscaping. Subject to the submission, agreement and implementation of a final landscaping scheme prior to the commencement of any development; the proposal is considered to be acceptable in respect of its impact on trees.

### **Impact on non-designated Heritage Assets (Archaeology)**

One of the Core Planning Principles of the NPPF is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 135 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 onto state that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 141 of the NPPF requires that Local Planning Authorities make information about the significance of the historic environment gathered as part of plan making or development management publicly accessible. It states that they should also 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.

A Geophysical Survey undertaken by Durham University (October 2017) was submitted alongside the planning application. The work has identified that:

- i) There are no archaeological deposits identified that require preservation in situ;
- ii) There is a complex of enclosures and possible foundation trenches in the southeast of the field. These features are an extension of the features investigated to the immediate south in 2016 which were dated to the 2<sup>nd</sup>-4<sup>th</sup> centuries AD;
- iii) Probable ditches detected in the west of the area may form another enclosure, which appears to be associated with other ditches, perhaps an early field system;
- iv) Traces of probable former ridge and furrow cultivation have been detected together with at least three more recent former field boundaries.

The County Archaeologist has been consulted and has raised no objections to the proposed development subject to appropriate planning conditions being attached to any consent to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation prior to any development taking place and for any analysis, reporting, publication or archiving required as part of the eventual mitigation strategy to be deposited at the County Durham Historic Environment Record.

### **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.

At paragraph 120, the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

A number of objections raise the issue of odour from Garden House Farm, which lies on the western side of Roundhill Road opposite existing housing. As a result, the applicant was asked to undertake an Odour Impact Assessment to assess the impact of odours that may arise from existing agricultural activity at the farm.

The assessment was undertaken in accordance with the Institute of Air Quality Management's Guidance on the assessment of odour for planning published in May 2014. It has included an updated review of complaints made to Environmental Health and additional site-specific monitoring visits have also been carried out in order to consider impacts on the site.

The assessment concludes that there is no evidence to suggest that future occupants of new dwellings on this proposed site will experience a scale of odour at a greater frequency, intensity, duration or offensiveness than is experienced by current residents of the area and as is expected for future occupants of the Bellway site to the south. The Council's Environmental Health Officer has been consulted and considers that while there will be occasions when odour is noticeable from activity at Garden House Farm for future occupants of the proposed development site which may give rise to a slight adverse effect on amenity, these will not be so significant as to recommend refusal of the application.

The Council's Environmental Health Officer has requested that a condition be attached to any approval to restrict the hours of construction work on site to protect the amenities of nearby residents.

### **Contamination**

A Phase 1 Geotechnical and Geo-Environmental Desk Based Assessment undertaken by Shadbolt Environmental (December 2017) was submitted alongside the planning application. The report, together with Council records, highlights that the site has been used as agricultural land (arable) since prior to 1857 to the present day and there is no evidence of significant infilling, proximity to landfill or any other potentially contaminative land uses. The submitted report suggests that the land may be impacted by remnants of agricultural herbicides and pesticides and may have been subject to accidental spillages or unauthorised tipping. The Environmental Health Officer has been consulted and considers that although the council cannot discount this possibility, the report does not provide any substantive evidence to support this, or on which to base any further intrusive investigation strategy.

Overall, based on the information contained within Council records, and in the submitted reports, the Environmental Health Officer considers that there are no contamination issues or constraints affecting the proposed development, and recommend that no further investigations or risk assessment are warranted or necessary.

### **Developer Contributions**

The application includes proposals in the form of Heads of Terms for developer contributions in line with the requirements of the Planning Obligations SPD.

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 applicant has also considered the request of Hurworth Parish Council and whether the requests are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. Through the representations received it is clear that there are a number of differing views from the local community as to where a new recreational facility for children should be located or whether existing facilities in the village should be upgraded. The Heads of Terms provides flexibility allowing the contribution to be spent on a new facility and/or upgrade existing facilities without specifying the location of any new facility.

The Draft Heads of Terms proposes the following:

- i) £104,100 towards sustainable transport projects towards all or any of the following purposes; a) The safe cycle route from Hurworth to Darlington Initiative; b) A traffic calming scheme close to the proposed site ensuring vehicles are reducing speed to 30mph as they pass the site and continue towards the village; and, c) A safer routes to school scheme along Croft Road including improvements to crossing facilities and a 20 mph zone near Hurworth Secondary School;
- ii) £54,600 towards public transport provision to provide an hourly evening service between Hurworth and Darlington;
- iii) £290,225 towards enhanced educational infrastructure within the village of Hurworth to assist with the increased numbers of pupils at either Hurworth Primary School or Hurworth Secondary School;
- iv) £70,000 towards the provision of an off-site recreational facility for children and its subsequent maintenance within the village of Hurworth and / or improvements to existing recreational facilities in the local area;
- v) £30,000 towards general health improvements at Rockcliffe Court Surgery, Hurworth, to support local healthcare provision including all or any of the following purposes;
  - a) The provision of additional parking spaces;
  - b) Improvements to existing internal areas to assist with increased patient numbers;
- vi) Affordable Housing in line with local policy subject to viability assessment, yet to be agreed.

The above Heads of Terms were submitted 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.

## **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**

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). Hurworth is however identified as one of the larger villages in the Core Strategy and is served by local facilities and infrastructure. The village has been identified as a suitable location for housing development in the Core Strategy, when the housing strategy is not achieving appropriate levels of delivery. This approach is also outlined in the Interim Planning Position Statement.

Despite the conflict with the above policy, the application site is an area which the Council considers being suitable for housing development and are proposing for allocation in the emerging Local Plan. The site also makes a valuable contribution to the Council achieving a five-year supply of housing land and boosting significantly the supply of housing in line with paragraph 47 of the NPPF. The principle of residential development on the site is therefore considered acceptable.

In summary, despite the conflict with saved policy E2, when considered in the context of the emerging Local Plan and contribution to the five-year supply of housing land, the principle of residential development on the application site is considered acceptable.

The proposed development is considered to be acceptable in terms of its impact on ecology, trees, archaeology, character and appearance of the countryside, Highways and sustainable transport, surface water and flood risk and contamination.

## **RECOMMENDATION**

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

- i) SUSTAINABLE TRANSPORT IMPROVEMENTS;
- ii) PUBLIC TRANSPORT PROVISION;
- iii) EDUCATION;
- iv) OFF-SITE RECREATIONAL FACILITY;
- v) GENERAL HEALTH IMPROVEMENTS AT ROCKLIFFE SURGERY, HURWORTH
- vi) AFFORDABLE HOUSING.

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

### **General**

- 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.
- 3) PL (Accordance with plans)  
HJB/4001/21 Proposed detailed site access
- 4) E3 – Landscaping (Implementation)
- 5) E11 - Tree Protection
- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been 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 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 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.

Or

An off-site financial contribution be paid to the local planning authority through a Unilateral Undertaking.

Both the above to be subject to the results of a viability assessment of the proposed development.

REASON – To comply with Council Housing Policy.

### **Highways**

7) Prior to the commencement of the development precise details of the internal highways layout and site access junction shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of a footway along Roundhill Road across the frontage of the development and to the south, connecting into the surrounding pedestrian infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

8) No development shall be carried out 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 and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

9) Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON- In the interests of highway safety

10) Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

REASON – In the interests of highway safety

11) A Road Safety Audit shall be carried out for all of the works within the public highway and the scope of the audit shall be agreed in writing with the Local Planning

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

REASON – In the interests of highway safety

### **Sustainable Transport**

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.

### **Archaeology**

13) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:

- 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 135 and 141 of the NPPF because the site is of archaeological interest

14) 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 141 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.

### **Flood Risk and surface water drainage**

15) The development hereby approved shall not be commenced on site, until a scheme of ‘Surface Water Drainage and Management’ for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:

- i. Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- ii. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- iv. Details of adoption responsibilities;
- v. Management plan for the Surface Water Drainage Scheme.

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

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

16) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Drainage Strategy dated 18th December 2017, and the following mitigation measures detailed in the FRA.

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100-year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 7.3 stating a Qbar of 22.84 l/s.

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

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

17) The building hereby approved shall not be brought into use until:

- i. Requisite elements of the approved surface water management system for the development, or any phase of the development are in place and fully operational to serve said building;
- ii. A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

REASON – To reduce flood risk and ensure satisfactory long-term maintenance for the lifetime of the development.

### **Ecology**

18) Prior to the commencement of any works, a detailed mitigation plan for species identified in the Extended Phase 1 Habitat Survey dated November 2017 shall be submitted to and approved in writing by, the Local Planning Authority.

The measures as detailed in the approved mitigation plan shall also include details of measures to enhance the ecology and biodiversity of the site through appropriate landscape planting and long-term management. The development shall not be implemented otherwise than in accordance with the agreed specified details and timetable and thereafter shall be permanently maintained in accordance with the approved details.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

### **Construction Management Plan**

19) Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- a) Dust Assessment Report, which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and Construction' February 2014.
- b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
- c) Construction Traffic Routes, including parking areas for staff and visitors;
- d) Details of wheel washing;

- e) Road maintenance;
- f) Warning signage

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

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

- 20) Construction work, including the delivery of material to the site and removal of wastes, shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday and Bank / Public Holidays without prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity

## INFORMATIVES

**The applicant is reminded of the necessity for strict compliance with all conditions, and written discharge of all pre-commencement conditions at the correct time. Should the developer be unable to provide for the discharge of particular conditions at the correct time, contact should be made immediately with the Local Planning Authority to discuss the matter.**

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

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

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

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the amended 30mph limit and introduction of Traffic Regulation Orders in connection with a 20mph zone.