

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4th April 2018

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APPLICATION REF. NO:	15/01050/OUT
STATUTORY DECISION DATE:	13 April 2018
WARD/PARISH:	HARROWGATE HILL
LOCATION:	Field At OSGR E428827 N517935 Burtree Lane
DESCRIPTION:	Outline planning permission for residential development for up to 380 residential dwellings, with access arrangements, open space and landscaping with all matters reserved except for access (Amended Description) (Additional information received 8th September 2016) (Amended plans and information received 27th, 30 June 2017, 3 November 2017 and 31 January 2018)
APPLICANT:	Theakston Estates Ltd

APPLICATION AND SITE DESCRIPTION

The application site is approximately 17 hectares of farmland bounded by Burtree Lane to the north and east; Harrowgate Farm residential development and commercial/industrial development on Whessoe Road to the south; an electricity transformer station and open fields to the west. The site is generally flat and is largely enclosed by hedgerows. There are mature trees located along the field boundaries and a copse of trees are formed to the north of the electricity transformer station. There are electricity power lines that cross the site leading to the transformer station and power lines that cut across the northern part of the site.

The planning application is seeking outline permission for up to 380 dwellings and it includes access arrangements only with details of appearance, landscaping, layout and scale reserved for further submissions and consideration. However the planning application is accompanied by Illustrative Master Plans showing how the site could be developed for residential purposes with areas of open space, landscaping and SUDs.

There would be two points of access to the site with one via a new shared access roundabout on Burtree Lane to serve both this site and a proposed development scheme to the north on Berrymead Farm (planning application reference number 15/00804/OUT) and the other being a T- junction onto Whessoe Road to the south of the transformer station. Off site highway works would involve improvements to the A167 (North Road) junction and to an existing roundabout at the Thompson Street East junction on the B1150.

The proposed scheme would include 20% affordable housing and the applicant is prepared to enter into a Section 106 Agreement to secure financial contributions towards:

- Bus Service Improvements
- Sports Provision
- Cycling and walking Improvements
- Off site highway improvement works to the A167 (North Road) and Thompson Street East junction on the B1150.
- Open Space and Play Area Maintenance and Management Plans

Public Consultation Exercise

The applicants carried out a consultation exercise with local residents, Local Ward Members etc in 2015 in accordance with the Council's Statement of Community Involvement document (2010) and they have subsequently met with representatives of the Parish Council following the submission of amended plans in June 2017.

Berrymead Farm Site

A planning application (reference number 15/00804/OUT) at Berrymead Farm (See Planning History) is also being considered at this Planning Application Committee. The developers for both sites have been working together and with the Council in terms of agreeing the mitigation measures for the highway impacts of the development, the requirements for school places and also planning obligations.

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, subject to mitigation measures, would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

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

PLANNING HISTORY

There is no planning history for this site. However, a planning application (15/00804/OUT) has been submitted at Berrymead Farm for residential development for up to 370 dwellings with land set aside for a primary school and nursery. That site is to the north east of this application site on the opposite side of Burtree Lane which is also being considered at this Planning Applications Committee.

PLANNING POLICY BACKGROUND

The relevant local and national development plan policies are:

Borough of Darlington Local Plan 1997

E2 Development Limits

E3 Protection of Open Land

E12 Trees and Development

E14 Landscaping and Development

EP2 Employment Areas

H7 Areas of Housing Restraint (parts out of date)

Darlington Core Strategy Development Plan 2011

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

CS2 Achieving High Quality, Sustainable Design

CS3 Promoting Renewable Energy

CS4 Developer Contributions

CS10 New Housing Development (parts out of date)

CS11 Meeting Housing Needs

CS14 Promoting Local Character and Distinctiveness

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety

CS17 Delivering a Multifunctional Green Infrastructure Network

CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

National Planning Policy Framework 2012

Other Documents

Supplementary Planning Document on Planning Obligations

RESULTS OF CONSULTATION AND PUBLICITY

When the planning application was submitted in 2015, the Local Planning Authority received two letters of objection and the comments can be summarised as follows:

School Places

- *Not enough schooling in the area both Junior and Senior. The only Senior School is already full to capacity with a waiting list*

Highway Matters

- *Burtree Lane is already a dangerous road. Traffic build up is dangerous on the corner of Burtree Lane and North Road*
- *Whessoe Road will become overloaded with traffic and it is not durable enough to deal with the increase*
- *White Horse traffic lights is a significant pinch point and will be made worse*
- *Burtree Lane roundabout is located too close to traffic lights with only a single lane buffer*
- *Cars already speed on Burtree Lane and this will be dangerous for school children and parents*
- *There are too many traffic lights that will stop traffic from keeping moving*
- *The works on A167 will be dangerous*
- *Egress for residents on Harrowgate Farm will be blocked Burtree Lane is a country lane and not built for all the traffic it takes not and it will become a rat run*

Need

- *The house selling market is suffering at the moment and this development will mean even less chance of selling your house in the area*

Impact on Character and Appearance of the Area

- *This will ruin our countryside and walks and where will the sheep and horses go*

Campaign for the Protection of Rural England objected on the following grounds:

- *The development is outside development limits*
- *Local services are already under pressure*
- *Local roads are already under pressure and the development will add to the congestion*

Whessoe Parish Council objected to the planning application on the following grounds:

- *The development is outside development limits*
- *The development is contrary to planning guidance*
- *The application is premature as the Local Plan has not been agreed*
- *Impact on Schools*
- *Impact on Medical Services*
- *Highways*
- *Flooding*
- *Disturbance and Antisocial behaviour*

Following the submission of amended plans and additional information in June 2017, the Local Planning Authority issued 112 letters of consultation and a further four letters of objection have been received and the comments can be summarised as follows:

Impact on the Character and Appearance of the Area

- *It is important that the rural beauty is maintained and any development is sympathetic and does not transform the first impression of the town into a mass housing estate*

Services

- *There is an inadequacy of amenities*

School Places

- *No provision for secondary school places*

Residential Amenity

- *The development will result in the loss of visual amenity for properties on Burtree Lane that have enjoyed open views across green belt land for many years*

Highway Matters

- *There will be an added increase in traffic which is detrimental to the area making living conditions extremely difficult and dangerous*
- *The additional 380 houses and the construction traffic and existing residents traffic will be too much for Burtree Lane and Whessoe Road*
- *I have witnessed many near misses with cars and lorries on the mini roundabout and junction to Harrowgate Farm estate*
- *Traffic at North Road junction is bad and the road infrastructure is not suitable for the additional traffic*
- *The Assessment severely underestimates the volume of peak journeys and shows a much lower number of anticipated journeys*
- *There is only limited space on the new proposed two lane section of the A167 and at peak times once the right turn has been filled, all traffic into the town will be blocked*
- *The need for residents on Harrowgate Village to signal right to across the north lane and stop in the first section of the new two lane south road will cause confusion for other road users*

- *There is no safe way for the school children to cross Burtree Lane*
- *Residents of Harrowgate Farm will find their access and egress blocked and vehicles will be backed up*
- *Can there not be one roundabout rather than two*
- *All areas of Darlington are being overdeveloped at the cost of traffic congestion*

Impact on Trees

- *The trees on the A167 should be maintained within any development. They will mask the sprawling nature of the development and maintain the character of the area*
- *Burtree Lane's character is defined by trees and bushes and as many of the trees as possible should be saved to maintain the existing character of the Burtree Lane*

Need

- *The Council should actively manage the redevelopment of brownfield sites and empty houses*

Whessoe Parish Council has objected to the application on the following grounds:

- *Objections previously submitted still remain*
- *The changes to the original proposal need to be summarised by developers*

The Campaign for the Protection of Rural England has objected to the planning application and the grounds can be summarised as follows:

- *Policy E2 of Local Plan is up to date and carries weight and therefore the scheme is contrary to current Local Plan policy as there is no agricultural or forestry justification for the development and it will bring unacceptable harm to the character and appearance of the rural area*
- *Settlement boundaries continue to have "weight" and the development is contrary to Policy E2 of the Local Plan as it is outside the main urban area and will encourage car usage to be unsustainable*
- *New dwellings should be built in the urban area, the North West Urban Fringe and the Eastern Urban Fringe as per Policy CS1 of the Core Strategy*
- *The development will have a negative impact on the intrinsic quality of the agricultural land and is contrary to Policy CS14 of the Core Strategy*

No further objections have been received following the submission of the amended plans in January 2018.

Consultee Responses

The Council's Contaminated Land Officer has raised no objection but requested the imposition of planning conditions

The Council's Environmental Health Officer has raised no objection subject to appropriate planning conditions

The Durham County Council Archaeology Team has raised no objections and requested appropriate planning conditions

The Council's Capital Asset and School Places Planning Officer has raised no objections

The Council's Ecology Officer has raised some concerns over the potential layout of the site

The Council's Sustainable Transport Officer has recommended the imposition of planning conditions relating to a Travel Plan and he has advised that planning obligations will be required

for improvements to the existing bus service and to improve walking and cycling in the local area

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

Highways England has raised no objections subject to a planning condition that requests the submission of a Travel Plan

Flood Risk Management Team has raised no objections subject to the imposition of appropriate planning conditions

Environment Agency has advised that this type of planning application does not fall within their remit for comment

Sport England has advised that there is a need for the development to make provision for sport and this could be achieved via a planning obligation

Northumbrian Water has raised no objections but requested a planning condition to secure a scheme for the disposal of foul and surface water

Northern Gas Networks has raised no objections

Northern Powergrid has raised no objections

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Impact on non-designated Heritage Assets (Archaeology)
- Highway and sustainable transport issues
- Loss of Agricultural Land
- Surface water and flood risk
- Contaminated Land
- Design, layout and Impact on the Character and Appearance of the Area
- Design and layout
- Residential Amenity
- School Places
- Sports provision
- Air Quality
- Ecology
- Impact on Trees
- Developer Contributions
- Delivery

Planning Policy

The Council is currently preparing a new Local Plan for Darlington. It should be noted that this site and the adjacent Berrymead Farm site are located within a wider area which is identified as a potential strategic location for residential development in the new plan. The area is identified in the Issues and Scoping document (2016). The new Local Plan is in the early stages of preparation therefore limited weight can be applied to the emerging plan (in accordance with paragraph 216 of the NPPF).

A site in this location with a broadly similar boundary has been assessed in the Council's Strategic Housing Land Availability Assessment for a number of years. It was also included as one of two options for a housing allocation of around 370 dwellings on the northern edge of

Darlington in the Burtree Lane/Harrowgate Hill area in the Making and Growing Places DPD Revised Draft Housing Site Allocation Consultation held in summer 2014.

The site was subsequently identified in the Council's Interim Planning Position Statement (2016) as capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations including the National Planning Policy Framework 2012. Following the consultation, it became apparent that more land would be required to meet the Borough's housing needs and both the Burtree Lane and Berrymead Farm sites were considered capable of accommodating sustainable housing development, though delivery of them both would be subject to satisfactory mitigation of the highway impact that will arise from a combined potential capacity of 750 dwellings, and appropriate primary school (and other local shops and services) provision. Whilst the Interim Planning Position Statement is not part of the Development Plan, it should be considered a material consideration when determining the application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2012) supports the plan led approach, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The development plan for Darlington consists of saved policies of the Darlington Local Plan 1997, and the Darlington Core Strategy Development Plan Document 2011.

The southern end of the site is within the development limits for the urban area with the northern section (the majority of the site) being located outside but adjacent to the limit. Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits. The reasoned justification to the policy explains that the limits to development are intended to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled. This policy continues to carry "weight" in the determination of this planning application.

The southern section of the site is also part of the Open Land Network (saved Policy E3 of the Local Plan) and the Whessoe Road Employment Area (saved Policy EP2 of the Local Plan).

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. In recent years Darlington has not been able to demonstrate a 5 year supply of deliverable housing sites, when measured against a housing requirement based on an up to date, objectively assessed need (OAN). As a consequence of this relevant policies for the supply of housing have not been considered up to date in line with paragraph 49 on the NPPF and planning applications have been considered in the context of the presumption in favour of sustainable development.

However the above situation has recently changed. An update to the Strategic Housing Market Assessment was published in October 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 currently shows that a 6 year (approx.) supply of deliverable housing land can be demonstrated. As a consequence policies relating to the supply of housing can now be given weight in the planning balance.

The majority of the application site is located beyond the development limits of the urban core of Darlington 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. Despite the conflict with these policies, the application site is an area which the Council considers to be suitable for housing development (as outlined in the context above) and are proposing for allocation in the emerging Local Plan. The site makes a valuable contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough in line with paragraph 47 of the NPPF. The principle of residential development on this site is therefore considered to be acceptable.

As stated above the site has been identified in the Interim Planning Policy Position Statement as being capable of accommodating a sustainable development, subject to the submission of an acceptable scheme in relation to other material considerations including the National Planning Policy Framework.

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development; social, economic and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

In this particular case, the proposal is considered to contribute towards the three dimensions of sustainable development.

Social Benefits – The proposed development will make an important contribution to the supply of housing in the Borough and it will include affordable housing. The occupiers of the development will make use of the local facilities and services in the area and contribute towards and participate in any local social events.

Economic Benefits – The construction of the development will generate short term construction jobs and will benefit other companies in the housing supply “chain” that would provide materials etc. The occupiers of the development will contribute to an increase in expenditure on goods and services from local businesses and new dwellings can support economic growth across the Borough by providing homes.

Environmental – Whilst the planning application is seeking outline planning permission, the Illustrative plans for the proposal show that a scheme could retain the majority of the existing trees and hedgerows within and on the boundaries of the site and a landscaping scheme will provide additional planting to enhance the potential for the site to support wildlife. Facilities and services within the local area are accessible by foot and cycle and public transport services are available to connect the site to Darlington which will assist in minimising the use of private cars. New building standards will ensure that the homes will be very efficient with respect to the energy needed for power and for heating.

Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest.

A section of the site on the south boundary measuring approximately 0.6hectares is located within the Open Land Network as defined by Policy E3. This part of the site is an open field next to a footpath that leads around the Harrowgate Farm housing development. Whilst the Masterplan that has been submitted is for Illustrative purposes only, it does show that this area would form part of the SUDs scheme and open space for the site. As a result, the proposed development would not result in the loss of this green space and it will be improved in ecological terms by appropriate landscaping and SUDs schemes and it would be publicly accessible. The proposed development would not harm the appearance and connectivity of this part of the Open Land Network or the wider Network.

A section of the site that lies to the south of the transmitter station and is approximately 0.22hectares is within the Whessoe Road Employment Area as defined by saved policy EP2 of the Local Plan. The transmitter station is also within this designation. Policy EP2 is a saved policy that seeks to permit certain employment uses (Class B1, B2 and B8) within the Area subject to certain criteria. This is currently an open field and the Masterplan shows that it could be used as part of the open space provision, the SUDs scheme, for the erection of housing and the vehicular access onto Whessoe Road. Clearly this proposal for residential development would not accord with the requirements of Saved policy EP2 and therefore the objective of this policy has to be balanced against other local development plan policies and material planning considerations. As stated, the development will assist in providing housing in the Borough on a deliverable site within a sustainable location, which was highlighted as such within the Interim Planning Position Statement.

With regard to retaining the land for employment purposes, consideration has been given to the size of the land in relation to the full extent of Employment Area designation that is covered by Policy EP2; the planning history and the possibility of the site being used for purposes that will accord with the Policy. The land is an open field between the northern edge of the commercial units and activities on Whessoe Road and the Transmitter station and it is only a small part of the overall designation. There is no extant planning permissions or planning history on the site for a commercial/industrial use and it is considered that there would still be sufficient land within the wider retained EP2 designation to attract and be available for B1, B2 and B8 uses should this land be developed as part of the larger residential development. It is unlikely that a B1, B2 or B8 operator would wish to use the site for such purposes because if there was a business/operator needing land for such purposes, it would have been developed accordingly rather than remain an open field for a considerable number of years.

Having balanced these factors, Officers consider that the loss of this small section of the larger application site from the Whessoe Road Employment Area designation would not outweigh the benefits of developing the site for residential purposes. Under the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this

particular case, a balance against the need to retain this part of the application site for employment related uses and the Open Land Network against the need for local housing has been considered and Officers believe that the loss is acceptable and a departure from the local development plan can be supported.

Impact on non-designated Heritage Assets (Archaeology)

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 states 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 trial trenching evaluation has shown that there are the archaeological remains of what appears to be a later prehistoric and/or Romano-British settlement on the western edge of the site. Ditches across other parts of the site may well be related to this settlement or could represent later land use or route ways. There are also some remains relating to the iron works on the site still extant. These remains are of sufficient significance to warrant further investigation before the site is developed by means of a strip, map and sample type exercise and the Archaeology Team at Durham County Council has recommended the imposition of appropriate planning conditions.

Highway and sustainable transport issues

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy seeks to ensure that new development provides vehicular access and parking provision suitable for its use and location.

Traffic Generation and Impact

A Transport Assessment was initially submitted as part of the application which showed that the development would create additional traffic congestion on the local highway network without the benefit of any off site mitigation being provided. On site observations and junction capacity assessments have been provided but due to the cumulative effects of queuing through a number of junctions on close proximity and the resulting blocking back of traffic, it was considered the separate junction analysis that had been carried out did not reflect the base situation experienced in this area. A further Assessment was commissioned to develop an Aimsun model for the northern quadrant to model the development impact as well as short, medium and long term highway mitigation schemes in the area. The base model was agreed with the Council and accurately reflected the current traffic queues and flows on the network and future scenarios were then developed to ascertain the offsite mitigation measures.

The model demonstrated that the total residential development quantum between this site and the Burtree Lane site (750 dwellings) will not have a significant detrimental effect on the strategic or local highway network subject to a series of offsite highway improvements. These include remodelling of A167 Beaumont Hill/Burtree Lane signalised junction to provide two straight ahead lanes in each direction and other revisions to incorporate improved pedestrian/cyclist

facilities. An improvement to Thompson Street East/A1150 Salters Lane mini roundabout to upgrade this junction to a full size roundabout in order to relieve a pinch point caused by additional traffic from the development sites. Congestion is also experienced at Otley Terrace/Whessoe Road Mini Roundabout in the future year scenario without development traffic, and adding the development causes further impact which should be mitigated.

The above improvements would be covered under a Section 106 contribution with costs to be agreed and trigger points based on development build out rates.

Development Layout and Geometry

Vehicular access to the site would be via a new roundabout off Burtree Lane providing a shared access to the Berrymead Farm development site (ref no: 15/00804/OUT) and a new T junction off Whessoe Road.

Proposed T junction on Whessoe Road

A new T junction is proposed on the outside of the bend on Whessoe Road. At this point the forward stopping sight distance is limited due to overgrown trees and hedging (although the adopted verge at this point is of limited width) therefore a widened running carriageway on the outside of the bend to allow better forward visibility has been provided. Visibility northbound of 2.4x160m can be achieved. A change in the speed limit local to the new access junction has been discussed with the Police and exact details would need to be determined with further on site checks. Footways from the development access junction should link into the surrounding pedestrian infrastructure with suitable drop crossings and tactile paving where appropriate.

Proposed Roundabout on Burtree Lane

It has been proposed to relocate the 30mph speed limit on Burtree Lane to north of new roundabout and as this would act as a suitable gateway/traffic calming feature a change in speed limit from this point would be supported by the Police. The roundabout would provide access to this development site east and the site at Berrymead Farm. Visibility at the junction should be in accordance with the latest design guidance and this may require the removal of a number of existing trees/hedgerow to achieve this. Footways/cycleways from the development access junction should link into the surrounding infrastructure with suitable drop crossings and tactile paving where appropriate. A footway should be provided along both sides of Burtree Lane for the entire frontage of the development and link into the existing pedestrian/cycle infrastructure.

There is an existing junction from Burtree Lane onto Whessoe Road which has limited visibility from the junction to the south along Whessoe Road. As the developer has control over the land to the south outside of the current adopted highway it is proposed that the hedgerow is pulled back to improve visibility of the junction with additional white lining and warning signage. These works would form part of the development build out and be covered under a Section 38/278 agreement.

Internal Highways and Layout

The internal access roads should be built to adoptable standards with running carriageway widths suitable for the number of proposed dwellings leading from them and suitable pedestrian and cyclist links to the surrounding infrastructure. Centre line radii on bends should comply with Appendix 5.5 in the Tees Valley Design Guidance for the category of access road with stopping sight distances maintained around all bends and access points which should be devoid of planting within the visibility splays. Turning facilities at the end of the internal highways should be of sufficient size to accommodate refuse and servicing vehicles. Swept path analysis should be carried out to demonstrate the internal network will operate satisfactorily for the expected vehicles entering the housing estate and school including emergency services and new

refuse vehicles which are now 11m long and for all vehicles on the new strategic links including buses and large goods vehicles.

It is noted that the layouts that have been submitted are indicative only as this is an outline application however in curtilage parking numbers across the site should accord with the latest Tees Valley Design Guidance and in order for garages to count as a parking space they must be a minimum of 3m x 6m internal dimension. It would be likely that the development would be subject to a 20mph-30mph limit in order to provide a safe environment for all road users and discussion can take place during the detailed application. A suitable street lighting design will be required to be submitted for approval and agreement should be sought from the relevant contact as highlighted in the informative attached to any permission.

Off site Highway Works and Contributions

As the Highway Authority we have a duty to manage the road network with the aim of securing the expeditious movement of traffic and the efficient operation of the road network as a whole. The modelling work carried out as part of the background information does show that the generated traffic from the development will have an impact on the local highway network. As such S106 contributions will be sought from the developer to fund off site highway improvements at the A167/Whessoe Road signalised junction and Thompson Street East/A1150 mini roundabout in order to mitigate the impact of the development traffic. It is understood that all access points to the sites would be provided in Year 1 as they would provide entrances to the respective sections of the development, with build zones following logically thereafter.

Bus Routes

There will be a need for a planning obligation to “pump prime” the existing 3A bus service and to divert the route via Whessoe Road into the new development picking up the existing 3A route on Burtree Lane creating a one way loop. The applicant has had discussions with the bus operators who are supportive of extending the service and an appropriate planning obligation would be secured via the Section 106 Agreement.

Footpaths

The Illustrative Masterplan shows a new pedestrian link onto Burtree Lane and there are good links to existing footpaths to the south of the site. The applicant has agreed to a financial contribution towards improving walking and cycling routes in the area which would be secured by the Section 106 Agreement.

Highways England

Highways England has advised that the impact of the development on the Strategic Road Network can be mitigated through a robust Travel Plan. Highways England initially submitted a holding objection to the planning application on the grounds that further information was required as part of the Travel Plan that was submitted for consideration but following further discussions between the applicant, Highways England and Officers, HE have now agreed to withdraw their holding objection subject to a planning condition being imposed which requests the submission of the Travel Plan for further consideration by the Local Planning Authority and Highways England. The Council’s Sustainable Transport Officer is also satisfied that this is an appropriate response and recommends the imposition of a planning condition.

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.

The Natural England website classifies the application site as being Grade 3b agricultural land which is not considered to fall within the NPPF classification of the best and most versatile agricultural land

Surface Water and Flood Risk

Policy CS16 of the Core Strategy states that new development will be focussed on areas of low flood risk. The application site is within Flood Zone 1 and the Environment Agency surface water flood maps highlights areas of the site to be a high and medium risk of surface water flooding.

The applicant proposes to discharge into the Drinkfield Marsh Nature Reserve and the flows into and out of the Drinkfield Marsh is controlled by the Northumbrian Water surface water sewer network. It would also be proposed to discharge on site storm water to several SUDS ponds located in the site's low lying areas. Northumbrian Water has indicated that the developer will be permitted to discharge at a maximum of 31 l/s. A review of the information that has been supplied by the Flood Risk Management Team indicates that the site does not currently runoff in the Nature Reserve and therefore the details of ownership, maintenance responsibilities and capacity of the Reserve must be provided along with evidence of the third party agreement for the proposed discharge point. The Flood Risk Management Team has recommended the imposition of appropriate planning conditions.

Northumbrian Water has requested the imposition of a planning condition securing the submission of a scheme for the disposal of surface water. The Environment Agency has advised that this type of planning application does not fall within their remit for comment.

Contaminated Land

Based on Council records and on the information provided in the Phase 1 Preliminary Appraisal Report (Desktop Study) (SIRIUS, September 2015), the Environmental Health team recommends that the development site be subject to further intrusive investigations and risk assessment to determine the suitability of the site for the proposed development. In particular the investigations should target areas of known or suspected contamination impact (i.e. Zone 6 and the western fringes of Zone 3, and localised areas of infilling identified in the Council's Environmental Search report, on the eastern boundaries of the site). Furthermore a ground gas investigation should include potential impacts from areas of known landfill to the south of the site. The Contaminated Land Officer has requested the imposition of the standard planning conditions relating to contaminated land.

Design, layout and Impact on the Character and Appearance of the Area

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

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

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

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

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

A Landscape and Visual Assessment in support of the planning application concludes that due to the strong visual containment of the site by existing vegetation, the visibility of the development would be predominately restricted to the immediate vicinity of the site and the surrounding road network but opportunities exist to establish green corridors, natural watercourses, woodland, the strengthening and enhancement with further planting to reduce the landscape and visual impact of the proposals.

The Masterplan which has been submitted for illustrative purposes only shows that the site can be developed with a street layout in keeping with more recent housing developments in the local area, especially the Harrowgate Farm development. The Masterplan shows areas of open space and landscaping and the retention of hedges and the copse of trees to the north of the transmitter substation and landscaping around the edge of the site could provide a green buffer between the dwellings and sections of the surrounding roads. Sections of the existing hedgerow on the edge of the site will have to be removed to facilitate accesses but it is considered that this loss could be partially mitigated for, in visual terms, by an appropriate landscaping scheme.

The proposal does represent a major development which will have an impact on the character and appearance of the area but this impact has to be balanced against the need to provide deliverable housing sites in the Borough. Overall the illustrative plan shows that the scheme could integrate into the existing development pattern as well as the surrounding countryside by virtue of its design and layout and footpath links to existing housing developments and road and footpath network. Whilst this will be given more detailed consideration as Reserved Matters stage it is considered that the adverse impacts that the proposed development may have on the character and appearance of the area can be mitigated by an appropriate design, layout and landscaping scheme and the impacts would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough.

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.

The proximity distances that need to be met between dwellings are outlined in the Council's adopted Design SPD and the Masterplan shows that the development can be designed in order to comply with the requirements but the matter would be considered in more detail at Reserved Matters stage.

The loss of a private view from a neighbouring dwelling and the impact on the value of a private dwelling is not a material planning considerations and the application cannot be refused on such grounds.

The submitted Noise Assessment Report concludes that while the industrial operations assessed will have low impact on the proposed development in accordance with BS4142 due to the separation distance from the application site, mitigation will be required to reduce the noise climate to within acceptable criteria for external areas as a result of road traffic noise i.e. WHO guidance level of 55dB LAeq, and to adequately protect the dwellings fronting onto the road networks and external areas not already screened by intervening barriers and buildings. For external garden areas of dwellings on the perimeter of the development and therefore closest to the road network the report details acoustic screening with an elevation of 1.8 metres will be required.

Further mitigation in terms of the design of the building envelope has also been detailed and calculations done to show the level of mitigation required in order achieving internal ambient noise levels contained within BS8233 for daytime and night-time periods.

Overall the report has shown that the site is suitable for housing but mitigation will be required to minimise the effects of noise. Based on the information submitted the Environmental Health Officer would not object to this planning application on the grounds of noise disturbance subject to a planning condition being imposed that requires the submission of a scheme for the protection of noise from excessive noise.

The site does not directly bound any existing neighbouring properties and as such no significant impacts in terms of light outlook or overlooking issues would be raised. Planning conditions would be imposed to secure the submission of a Construction Management Plan, to control the hours of construction and deliveries and any piling methods (if required).

School Places

When this planning application was originally submitted to the Council it involved land being set aside for the provision of a school. However, following discussions with the Council, the preferred site for a school, if required, was the adjacent Berrymead Farm site (subject to a planning application ref no: 15/00804/OUT) and therefore this application was amended to omit reference to a school on this site. The applicant for this site would contribute to the developers of the Berrymead Farm site for their proportional share off the value of the safeguarded land.

When considering both sites, they would generate 162 primary school aged pupils. The Council's Capital Assets and School Place Planning Officer has advised that an existing nearby school is currently showing capacity now and in future years but not enough capacity to cater for all the housing on both developments. It is proposed that the anticipated pupil demand for both sites (up to 750 homes) can be met through the provision of a 210 place primary school and a 26 place nursery school on land measuring approximately 1.45 hectares and this school site would be set aside and retained on the Berrymead Farm site.

However, the school would not be required immediately as the existing and emerging capacity (lower birth rate in very recent years) in neighbouring schools would be able to provide school places for children generated from approximately 580 homes between the two sites. Once this has been met, the need for a new school from these developments and any others that may arise would be met by the new school hence the need to set aside the land for education provision in the future.

Furthermore, if this site was delivered in isolation and the scheme at Berrymead Farm did not come forward, Officers have been advised that there is sufficient capacity in existing schools to provide school places to mitigate for this development.

Sport Provision

The additional population will generate additional demand for sports facilities and if this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. The applicant has agreed to make a financial contribution to improve sports provision in the local area to be secured by a Section 106 Agreement

Air Quality

The Air Quality Assessment in support of the planning application concludes that during the construction phase of the development the risk of dust soiling effects for earthworks and construction activities is high and for trackout is medium and therefore site specific mitigation measures will need to be implemented to ensure dust effects from the construction phase will not be significant.

In relation to the operational phase of the development and the impact from road traffic emissions the assessment predicts that there will be negligible impact on concentrations of NO₂ and PM₁₀ at all eight existing sensitive receptor locations considered, and the predicted concentrations are also well below the annual mean air quality objectives in 2025 at all three proposed sensitive receptor locations.

Environmental Health consider the mitigation required in terms of dust from the construction phase will be addressed as part of the recommended Construction Management Plan condition and if the works incorporate the mitigation measures as detailed in the report the impact will be reduced.

Given that the operational phase of the proposed development will have a negligible impact, Environmental Health consider air quality does not merit further consideration of planning conditions to mediate the impacts.

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.

Paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

The application has been supported by a Preliminary Ecology Appraisal, a Great Crested Newt Survey, a Breeding Bird Survey and a Bat Survey.

The Preliminary Appraisal concludes that no adverse impacts are envisaged on existing wildlife areas in the locality as a result of this site being redeveloped for residential purposes. The site is a mixture of pastureland, semi improved grassland; water bodies, dense scrub, woodland and mature hedgerows. Mitigation measures to minimise the impacts on habitats and species other than those noted below in more detail include appropriate landscaping schemes, retention of wetland areas, scrub and hedgerows, hedgerow replacement; tree protection measures.

The Great Crested Newt Survey concludes that the aquatic habitats on site and within the local area comprise 8 ponds, with seven of those being within the site and one to the south of the site. The ponds are generally considered to be of above average suitability for Newts but two are below average. A survey in 2015 recorded no Great Crested Newts in any of the ponds and it is considered unlikely that there would be any adverse impacts on Great Crested Newts if a comprehensive mitigation scheme is employed. There is a low risk of causing harm to common toad during works in site. Suggested mitigation measures include a method statement to minimise risk to Newts and other amphibians, appropriate SUDs scheme; good quality habitat creation; preservation of key habitats.

The Bird Breeding Survey clearly identifies that the site is used by many species of birds and also has the suitability to support a limited range of nocturnal species such as tawny owls. It is likely that the development of the site will result in the loss of some breeding territories and the displacement of those within the boundary features but through appropriate controls and mitigation, a scheme has the potential to improve bird breeding habitats in the future by ensuring that all site clearance work takes place outside of the bird breeding season; the inclusion of nesting boxes and swallow boxes throughout the development; the avoidance of high intensity lighting, appropriate landscaping.

The Bat Survey concludes that the electricity station has negligible potential to support roosting bats whilst some of the trees have a moderate potential to support bat roosts. Adjacent housing to the east of the site may also provide roosting opportunities. Surveys showed bat activity within the site associated with the hedgerows bounding the site, the woodland and wetland areas surrounding the electricity station and central fields of the site. The Survey recognises that impacts on bats are likely to include the loss of trees, loss of foraging and commuting habitats and increasing lighting post development but these impacts can be mitigated through the detailed schemes by the retention of trees and hedges where possible; working method statements for the felling of trees identified as supporting roosts; the creation of a buffer between development and retained habitats; appropriate external lighting and a diverse landscaping scheme.

The Council's Ecology Officer accepts the findings and recommendations outlined within the Reports but the layout shown on the Illustrative Masterplan could be improved in ecological

terms. The advice from the Council's Ecology Officer has been forwarded to the applicant and it is expected that any Reserved Matters submissions will take better account of the findings of the Reports and the recommended mitigation measures. A suitable planning condition can be imposed to ensure that a full and detailed ecological programme is submitted with Reserved Matters applications.

Impact on Trees

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

The trees on the site are not covered by a tree preservation order. An initial Tree Survey confirms that the tree population is made up of a woodland of mature ash and hawthorns, mature hawthorn trees within grown out hedges and over mature or dead mostly ash, standards in hedge lines. The Survey considers that the redevelopment of this site can be carried out without impacting on the trees considered to be of a high quality and it highlights a number of low quality trees that could be removed in order to facilitate the development.

A Reserved Matters submission will need to be submitted for the layout and landscaping of the scheme but the Illustrative plan shows that a scheme can be designed to retain the majority of hedgerows and trees within and on the edge of the site, apart from a the points of access. A planning condition would be imposed to secure the submission of appropriate tree reports and protection measures with any future Reserved Matters applications.

Developer Contributions

The application triggers a requirement 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 planning application has been the subject of a comprehensive viability assessment which have been independently considered by the District Valuer Services on behalf of the local planning authority. The outcome from this exercise is that the proposal will be a viable development with the following planning obligations and Officers can confirm they have been agreed with the applicant:

- Towards improving sport provision in the locality of the planning application site;
- Towards extending the existing 3A bus service;
- Towards improving the walking and cycling network in the locality of the planning application site; and
- Off site highway works at the A167/North junction and Thompson Street Roundabout
- Open Space and Play Area Maintenance and Management Plans

Open Space and Play Area Maintenance

The maintenance of the open space and children's play areas would be carried out by a private management company and as a result there is no requirement to request any planning obligations of such matters. However, details of the management regime would form part of the Section 106 Agreement.

Affordable Housing

20% of the overall housing units will be affordable units with the tenure split 50% social rented and 50% intermediate housing. However, the scheme for the affordable units will be secured by a planning condition.

Delivery

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION

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 majority of the proposed development is outside the development limits for the main urban area and a small section is part of Open Land Network and also the Whessoe Road Employment Area and therefore it is contrary to the local development plan. Despite the conflict with these policies, the application site is an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. The site makes a valuable contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough in line with paragraph 47 of the NPPF. The application site is highlighted in the Council's Interim Planning Position Statement as being capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations including the National Planning Policy Framework 2012. The principle of residential development on this site is therefore considered to be acceptable.

The impact on the Open Land Network and the Whessoe Road Employment Area is a factor that has been taken into account in the decision making process. The visual impact of the development on the surrounding area has been taken into account and whilst design and layout has been reserved for future submissions, it is acknowledged that a housing development can be designed to be in keeping with the character and appearance of the surrounding residential area.

The impact on nature conservation and wildlife has been taken into account in the decision making process and overall, it is considered that the proposal is acceptable in such terms.

The size and siting of the proposed dwellings would be such that no significant detrimental impacts in terms of light, outlook or overlooking issues would be raised. The proposal is considered acceptable in respect of its impact on highway safety subject to appropriate mitigation measures and planning conditions.

Planning conditions are required in relation to matters such as archaeological work, noise, surface water drainage and ecology.

RECOMMENDATION

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

- Improving sport provision in the locality of the planning application site;
- Extending the existing 3A bus service;
- Improving the walking and cycling network in the locality of the planning application site; and
- Off site highway works at the A167/North junction and Thompson Street Roundabout
- Open Space and Play Area Maintenance and Management Plans

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 WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.

AND THE FOLLOWING PLANNING CONDITIONS:

General

1. Details of the appearance, landscaping, layout, scale of any development hereby permitted (hereinafter called "the reserved matters") for the whole development, or phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004
2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission or the conclusion of any Judicial Review process.
REASON: In the interests of achieving an improved rate of housing delivery in the Borough
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

4. The planning application(s) made pursuant to condition 1 shall not propose more than 380 dwellings.
REASON: For the avoidance of doubt
5. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 434-THE 001 Rev A – Site Location Plan
 - b) Drawing Number 2051-100-P-003 Rev I (Proposed Site Access Form Burtree Lane (Four- Arm Roundabout Option)
 - c) Drawing Number 2051-100-P -004 Rev I – Proposed Site Access from Burtree Lane (Three Arm Roundabout Option)
 - d) Drawing Number 2051-100-P-005 - Proposed Site Access from Whessoe Road
 - e) Drawing Number 2051-100-P-006 Rev A Proposed Off Site Highway Improvement Works – Whessoe Road/Burtree Lane Junction
 - f) Drawing Number 2015-200-P-010 – Proposed Site Access from Whessoe Road Swept Path Analysis for 16.5m Articulated Lorry

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

Phasing

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

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

Materials

7. No dwellings hereby approved shall be erected above damp proof course level in each phase until samples and details of the external materials to be used in the construction of those dwellings in that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of residential amenity

Affordable Housing

8. Prior to the occupation of any unit within each phase, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units – of which 50% is social housing and 50% intermediate housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for each phase shall include:

- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- d) 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;
- e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Unless otherwise agreed by the Local Planning Authority

REASON: To comply with Council Housing Policy.

Highways

9. Prior to the commencement of the development as a whole or in each phase of development precise details of the internal highways layout including new footway/cycle links as required to connect into the surrounding infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interest of achieving a satisfactory form of development in the interests of highway safety
10. No development or phase of development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.
REASON: In the interest of achieving a satisfactory form of development in the interests of highway safety
11. Prior to the commencement of the development as a whole or each phase, 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 interest of achieving a satisfactory form of development in the interests of highway safety
12. A Road Safety Audit shall be carried out for the development as a whole for each phase, all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON: In the interest of achieving a satisfactory form of development in the interests of highway safety

Contaminated Land

13. Prior to the commencement of each phase of the development and any related site investigation works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

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

14. Prior to the commencement of each phase of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination 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.

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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

16. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which

shall include an options appraisal and ensure that the site is suitable for its new use, and 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 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

17. 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

18. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies 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 (or phase of the development) 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

Open Space and Childrens Play Areas

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

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

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

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

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

Trees

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

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

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

Ecology

22. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.

REASON: In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

23. Notwithstanding the recommendations and mitigation measures contained within documents entitled “Preliminary Ecological Appraisal, Burtree Lane, Darlington” dated October 2015, “Bat Survey, Burtree Lane, Darlington” dated October 2015, “A Bird Breeding Survey of Burtree Lane – Report No 1” dated 2015 and “Great Crested Newt Survey, Burtree Lane” dated October 2015, all produced by E3 Ecology Limited, any Reserved Matters applications for the development as a whole or for a phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include but not restricted to details of method statements to minimise impacts on Great Crested Newts, ecological enhancements (for example nesting boxes) and an ecological lighting scheme within the development site. The development thereafter should only be carried out in accordance with the approved scheme and all agreed mitigation measures shall be in place prior to the completion of the development.

REASON: In the interests of promoting the ecology of the site

Noise

24. For each phase of the development, prior to or at the same time as any reserved matters application relating to appearance, landscaping, layout, scale a detailed noise impact assessment and scheme for the protection of proposed residential properties from rail traffic noise, road traffic noise from Whessoe Road and Burtree Lane and noise from the industrial/commercial premises to the south shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment and the noise sensitive properties to be used shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall consider the following points:
- a) It shall be shown that the development has been designed to achieve a noise level of below 50 dB $L_{Aeq, T}$ in garden areas of representative dwellings, which are to be agreed in advance with the Local Planning Authority. However, if 50 dB $L_{Aeq, T}$ is not practically achievable, the reason for this shall be provided to the Local Planning Authority, and in any case the level shall not exceed 55 dB $L_{Aeq, T}$ unless agreed in writing by the Local Planning Authority. The noise impact assessment shall contain calculations to show the noise levels to be achieved.
 - b) It shall be shown, via appropriate calculations, that the internal noise levels in habitable rooms of representative dwellings, which are to be agreed in advance with the Local Planning Authority, comply with the limits given in Table 4 contained in BS 8233:2014. In addition, calculations shall be submitted to show that maximum noise levels in bedrooms of representative dwellings do not exceed 45 dB, L_{AMax} , during the night time period of between 23.00 and 07.00.
 - c) Prior to the commencement of each Phase of the development the details, design and location of any works which form part of the scheme for the protection of the proposed residential properties from adverse impacts from noise shall be submitted and approved in writing by the Local Planning Authority and completed in accordance with the approved scheme prior to the occupation of the affected dwellings. Any acoustic barrier installed as part of the scheme shall be thereafter retained and maintained for the duration of the development.
 - d) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the LPA that no adverse noise impacts from the phase of development will arise.

REASON: In order to protect the amenities of the future occupants of the development

Amenity

25. Prior to the commencement of each phase of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
- a) Dust Assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures to be put in place. The Dust Assessment report should follow 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 should follow guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

- c) Construction Traffic Routes.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Construction Management Plan throughout the construction period in that phase.

REASON: In the interests of highway safety and the general amenity of the surrounding area

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

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

27. If piled foundations are proposed, prior to the commencement of any phase (except for site preparation works and the formation of a site compound) details of the piling method for that phase including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

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

Archaeology

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

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

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

REASON: To comply with para 135 & 141 of the National Planning Policy Framework 2012 because the site is of archaeological interest.

29. 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 National Planning Policy Framework 2012 which ensures information gathered becomes publicly accessible.

Travel Plan

30. Prior to the occupation of the first dwelling in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan

REASON: In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012.

Drainage

31. The development, as a whole or in each phase, hereby approved shall not be commenced on site (except for site preparation works and the formation of a site compound), until a scheme of "Surface Water Drainage and Management" for the implementation, maintenance and management of the sustainable drainage system 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 restricted to providing the following details:

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

The building 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 of the lifetime of the development

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with Policy CS16 of the Darlington Core Strategy Development Plan Document 2011 and the National Planning Policy Framework 2012

32. The development permitted by the planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 26th September 2017 and the following mitigation measures detailed in the Flood Risk Assessment:

- a. Limiting the surface water runoff generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site. This will be achieved in accordance with the calculations within Section 8 stating a post development discharge limit of 31 l/s
- b. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority

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

33. No dwellings shall be occupied in each phase until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved plan

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

34. The development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

35. The development shall be implemented in line with the foul water scheme contained within the submitted document entitled "Flood Risk & Drainage Strategy". The foul water scheme shall ensure that foul flows discharge to manhole 4502.

REASON: To prevent the increased risk of flooding from any sources in accordance with part 10 of the National Planning Policy Framework.

36. Prior to the commencement of the first dwelling within each phase, details of the finished floor levels for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and in respect to flood risk, in accordance with Part 10 of the National Planning Policy Framework.

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

Borough of Darlington Local Plan 1997

E2 Development Limits

E3 Protection of Open Land
E12 Trees and Development
E14 Landscaping and Development
EP2 Employment Areas
H7 Areas of Housing Restraint (parts out of date)

Darlington Core Strategy Development Plan 2011

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)
CS2 Achieving High Quality, Sustainable Design
CS3 Promoting Renewable Energy
CS4 Developer Contributions
CS10 New Housing Development (parts out of date)
CS11 Meeting Housing Needs
CS14 Promoting Local Character and Distinctiveness
CS15 Protecting and Enhancing Biodiversity and Geodiversity
CS16 Protecting Environmental Resources, Human Health and Safety
CS17 Delivering a Multifunctional Green Infrastructure Network
CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

National Planning Policy Framework 2012

Other Documents

Supplementary Planning Document on Planning Obligations

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

General

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.

Highways

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 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 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 to a 20mph zone.

Drainage

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 sustainable drainage system within the site.

If the applicant proposed to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local flood Authority (LLFA). A land drainage consent is a separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the Local Lead Flood Authority.

The updated guidance states the new allowance for climate change now require both +20% scenario and a +40% scenario. Therefore the 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 event plus 20% climate change
 3. 1 in 100 year event plus 40% climate change
- New development drainage systems should be designed to include a 10% uplift to runoff to account for “Urban Creep”;
 - Finished Floor Levels should have a minimum freeboard (distance to flood water level) of 600mm
- 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.