

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

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

**Page**

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<b>APPLICATION REF. NO:</b>	15/00804/OUT
<b>STATUTORY DECISION DATE:</b>	13 April 2018
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Land At Berrymead Farm, Durham Road Coatham Mundeville
<b>DESCRIPTION:</b>	Outline planning permission for the erection of 370 No dwelling houses (Use Class C3) and land reserved for a primary school and nursery (D1) (Additional Information received 8th September 2016) (Additional information and amended plans received 3 July 2017 , 6th July 2017 and 1 November 2017). (Additional and Amended plans received 23 January 2018)
<b>APPLICANT:</b>	Persimmon Homes, Taylor Wimpey And Northumbrian Land Ltd

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**APPLICATION AND SITE DESCRIPTION**

The application site is located to the north of Darlington. The site is bounded by the A167 to the east and Burtree Lane to the south and west. There are open fields to the north. A number of residential dwellings are interspersed on the immediate east, south and west boundaries and there are existing dwellings to the east on the opposite side of the A167 and to the south west on Harrowgate Farm on the opposite side of Burtree Lane. The site is currently used as farming land and is mostly enclosed by hedgerows and mature trees. The site is crossed east/west by power lines.

The proposal is for the redevelopment of the site for up to 370 dwellings and land (1.45hectares) is set aside for the provision of a new 315 place primary school and 26 place nursery. All matters are reserved for future consideration apart from the access arrangements.

Site access would be provided at three locations. A ghost island T junction on the A167 and a shared access roundabout to be provided on Burtree Lane serving both this site and a proposed development scheme to the south on Burtree Lane (Planning application reference number 15/01050/OUT) and a third point of access in the form of a roundabout also on Burtree Lane.

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.

An Illustrative Layout plan has been submitted in support of the planning application to show how the site could be developed with open space, landscaping and SUDs.

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

- Sports Provision
- Cycling and walking Improvements
- Off site highway improvement works to the A167 (North Road) junction and to an existing roundabout at the 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.

### **Burtree Lane Site**

A planning application (reference number 15/01050/OUT) at Burtree Lane (See Planning History) is also being considered at this Planning Application Committee. The developers for both sites have been working together alongside 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 (15/01050/OUT) has been submitted at Burtree Lane for residential development for up to 380 dwellings. That site is to the west 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**

### **Tees Valley Minerals & Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

### **Other Documents**

Supplementary Planning Document on Planning Obligations

## **RESULTS OF CONSULTATION AND PUBLICITY**

When the planning application was originally submitted in 2015, the Local Planning Authority received 26 letters of objection and the comments can be summarised as follows:

### **Drainage and Flood Risk**

- *What provision is being made for surface water runoff from the pavements and properties?*
- *During heavy flooding the small beck that runs across the site cannot drain the site and flooding already occurs in dwellings on the lower east side of the A167*
- *Nos 28, 30 and 32 Burtree Lane are in a low spot on the Lane and there will be an increase in the likelihood of flooding if the development goes ahead*

### **Highway Matters**

- *The new roundabout will impede access and egress to my shared driveway (Nos 1 and 3 Camborne Drive). We will be immediately on top of the roundabout and have to consider traffic from four directions*
- *There will be a massive increase in traffic flow and traffic will become stationary for long periods*
- *Burtree Lane already has poor pedestrian access and speeding traffic coupled with the lack of footpath will make this problem even worse*
- *Congestion during rush hour on Beaumont Hill has cars bumper to bumper. There is a lot of agricultural machinery that uses the A167 and emergency vehicles are up and down all day*
- *Burtree Lane is a country lane and not built for all the traffic it takes not and it will become a rat run*
- *The road widening and improvements would take away the additional block paving which was designed for off road parking*

- *The siting of a school on this site will add significant numbers of vehicles using Burtree Lane*
- *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*

### **Residential Amenity**

- *The lighting required for the development and the roundabout will create additional and intrusive light pollution to my property*
- *A new pedestrian crossing outside my property will impact on my privacy*
- *The development will impact upon views from my home*
- *Existing residents will be affected by disturbance and antisocial behaviour*
- *Due to the lengthy construction period there will be much disruption including noise and dirt*
- *Our properties would be devalued*
- *There will be an increase in noise and air pollution*
- *The proposed housing is not good quality and will have the effect of reducing the desirability and value of existing dwellings in the area*

### **Services**

- *The existing GP has full waiting lists*
- *Shops, public houses and doctors cannot support the burden of additional people*
- *What about extra funding for police, ambulance and fire brigade*

### **Ecology**

- *The site is a habitat for many species including Great Crested Newts and bats*

### **Impact on Character and Appearance of the Area**

- *The development will change the aspect from the existing rural area to urban area.*
- *The tree lined drive into Darlington will be gone*
- *This is a further encroachment into the green belt spoiling one of the main attractions into Darlington*
- *This will spoil our community and completely change our neighbourhood*

### **Need**

- *There are a number of brownfield sites around Darlington and these developers should be forced to develop them first otherwise valuable greenspace will continue to be lost*
- *There does not appear to be a cohesive plan for Darlington which takes a holistic approach to development*
- *I do not believe that Darlington needs this level of housing*
- *Existing housing could be renovated to provide accommodation*

### **School Provision**

- *The site only includes land reserved for a school. What if a school is never built?*

- *There is not enough secondary school places available at the nearest schools*

**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** submitted a petition against the development containing 168 signatories

**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*

Councillor Gill Cartwright submitted a letter supporting the objections submitted by Whessoe Parish Council

A letter was received from Jenny Chapman MP stating that the concerns made by the Parish Council need to be taken into account.

Following the submission of the additional and amended plans in July 2017 which related to the highway and road network proposals and improvements, the Local Planning Authority issued 255 consultation letters to local residents. Six letters of objection were received and the comments can be summarised as follows:

#### **Highway Matters**

- *Burtree Lane will not be able to cope with the additional amount of traffic*
- *Increase in traffic which is already at a high demand and delays daily*
- *There have been many near misses with lorries and cars at the junction and mini roundabout on Harrowgate Farm and construction traffic and new residents traffic will put people at risk*
- *The Transport Assessment Addendum identifies an existing problem with traffic flow in the area. The mitigation measures would achieve a broadly nil detrimental position on the highway network despite identifying a number of traffic queue increases. The report ignores all school traffic, being outside rush hour and this traffic would have no impact once the proposed schools have been completed. I understand that to mitigate an increase in current road traffic congestion the mitigation works must be complete and the schools need to be built otherwise traffic congestion will increase*
- *Despite the Travel Plan recent history shows that new housing schemes on out of town sites leads to an increase in cars and emissions*

- *Why does the Council need to fund any travel Plan initiatives?*
- *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?*

### **Impact on Character and Appearance of the Area**

- *There will be no countryside left if we continue to build on green belt*
- *Loss of green space*
- *No trees at this entrance to Darlington should be removed as they enhance the area and reduce carbon monoxide*

### **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*

### **Flood Risk and Drainage**

- *Flooding on the site and houses on the opposite side is well documented*
- *Building on a flood plain and underwater streams*

### **School Places**

- *Who is paying to build the schools*
- *No provision for secondary school places*

### **Trees**

- *The trees on the western side of the A167 would require protection when implementing the footway extension*
- *The trees along the roadside are a major feature of the road between Darlington and Chilton and this type of avenue is referred to in the European Landscape Convention produced by the Council of Europe*

### **Services**

- *No available space at dentists, doctors, play nurseries etc*

### **Ecology Matters**

- *We are morally obliged to protect birds and there are a wide variety of species in the area*

### **Brexit**

- *The impact of Brexit should be considered. Britain ought to preserve its current historical agricultural land until Brexit has been finalised and Britain's future needs can be fully assessed*

**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*

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

- *Objections previously submitted still remain*
- *The Parish Council do not feel there has been sufficient timely communication*
- *The changes to the original proposal need to be summarised by developers*

Following the submission of additional and amended plans in January 2018 relating to the details of the access arrangements for the site a further three letters of objection have been received. The comments are summarised as follows:

### **Traffic**

- *Traffic impact will significantly increase due to the two roundabout access points on Burtee Lane increasing congestion on journey times*
- *Will the T junction on the A167 be light controlled?*
- *I am disappointed that a four arm roundabout at the junction of Camborne Drive and Burtree Lane has been reinstated. Nos 1 and 3 Camborne Drive have a shared access driveway that joins Camborne Drive very close to the junction. We already have difficulty gaining access/egress to our properties at peak times.*
- *After turning into Camborne Drive we have an immediate right hand turn into this shared driveway and experience regular near misses with traffic behind us who do not expect a vehicle to be turning so soon after the junction. A roundabout will make this junction much worse as the drivers attention will be distracted by navigating the roundabout as well as seeking to get around it ahead of others*
- *Neither the Highways Agency nor the developer recognised the impact of the proposed ghost island T junction on Beaumont Hill. Currently the road markings provide a central safe haven for vehicles to wait whilst turning into the resident’s driveways which greatly assists with maintain traffic flow on the A167. The ghost island would necessitate any northbound vehicular traffic attempting to turn right in order to access these properties to now wait on the northbound carriageway of the A167 causing disruption to the northbound traffic flow*

**Other Matters**

- *The Whessoe Parish Hall should be integrated into the scheme by a pedestrian link, which would be welcomed by the Parish Council*

**Flood Risk**

- *Has a flood assessment been undertaken*

**Local Infrastructure**

- *Can the development be sustained by local infrastructure such as schools and health service?*

**Consultee Responses**

The **Council's Contaminated Land Officer** has raised no objections

The **Flood Risk Management Team** has raised no objections and requested planning conditions

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

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

The **Council's Environmental Health Officer** has raised no objections subject to planning conditions

The **Council's Ecology Officer** has accepted the recommendations of the Ecology Report but has suggested revisions for consideration at Reserved Matters stage

The **Council's Sustainable Transport Officer** has raised no objections

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

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

**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

The **Environment Agency** has raised no objections

**Northern Gas Networks** has raised no objections

**Northumbrian Water** has raised no objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment

**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 the Minerals Safeguarding Area
- Impact on Designated Heritage Assets
- 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
- Residential Amenity



- School Places
- Sport 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 both of these sites 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. 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 also the Darlington Core Strategy Development Plan Document 2011.

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. The application site lies outside of the limits for development and this Policy continues to carry "weight" in the determination of the planning application.

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 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.

The redevelopment of the site for residential purposes is considered to be acceptable and a departure from the local development plan can be supported.

### **Impact upon the Mineral Safeguarding Area**

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

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

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

### **Impact on Designated Heritage Assets**

The application site is approximately 600m to the south of the Grade II listed buildings at High Beaumont Hill Farm. A Heritage Statement has been submitted in support of the application and Officers consider that the proposed development will not harm the setting of these listed buildings due to the separation of the two sites by the agricultural land which maintains the rural setting of the farm.

### **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

The Archaeology Team from Durham County Council has advised that further trial trenching should be carried out prior to the submission of Reserved Matter applications and they have recommended the imposition of an appropriate planning condition.

### **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*

Access would be provided at three locations. A ghost island T junction on the A167 and a shared access roundabout to be provided on Burtree Lane serving both this site and a proposed development scheme to the south on Burtree Lane (Planning application reference number 15/01050/OUT) and a third point of access in the form of a compact roundabout also on Burtree Lane which upgrades the existing T junction into Camborne Drive. The original design at Camborne Drive showed a staggered junction at this location however the Design Guidance states that desirable minimum junction spacing on a secondary distributor road should be 60m measured between centrelines of the side roads and therefore the stagger distance would not comply. The latest submission now reverts this junction to a compact roundabout which is

acceptable. The layout has been autotracked with a max. legal articulated vehicle (16.5m long) and can accommodate the maximum size vehicle.

A new internal highway through the site would link Burtree Lane to the A167 which would help to distribute the traffic flows and the timing of this link would be conditioned as part of the S106.

The above works would form part of the development build out and be covered under a Section 38/278 agreement.

#### *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 shared access to this development site and to the Burtree Lane site.

Visibility at the junction has been designed 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 has been provided along both sides of Burtree Lane for the entire frontage of the development and this links into the existing pedestrian/cycle infrastructure.

#### *Proposed Ghost Island T junction on A167*

The junction has been designed in accordance with the DMRB for the speed of the adjoining carriageway. Visibility at the junction should provide splays of a minimum of 4.5 x 120m and this may require the removal of a number of existing trees to achieve this which would be confirmed at Reserved Matters stage. Footways/cycleways from the development access junction should link into the surrounding infrastructure with suitable drop crossings and tactile paving where appropriate. There is currently private access drives running alongside the ghost island right turn lane that would be impacted upon by the proposals. A minor revision to the design of the ghost island hatching would allow for a right turn pocket into the properties off Beaumont Hill with some minor revisions to vehicle crossings and this can be implemented as part of the S278/38 design.

#### *Existing Mini Roundabout – Burtree Lane/Trevone Way*

The Transport Assessment states that concerns have been raised by residents over the traffic behaviour on the mini roundabout at the end of Trevone Way onto Burtree Lane and it recommends doming the roundabout and providing yellow backing boards to the signs which have been shown on the latest drawing. The latest plans show the roundabout remodelled to include some lateral shift in accordance with the DMRB TD54/07.

#### *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 when any Reserved Matters are submitted for future consideration, the 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, the Council has 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. The S106 would include trigger points agreed with the developer to bring on line highway improvements and when the link through the site from Whessoe Road to the A167 will be implemented.

#### *Bus Routes*

There are excellent existing bus routes on the A167 North Road and the site would have good access to the bus stops and safe walking routes on the western side of the A167.

#### *Footpaths*

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 does not categorise the planning application site as having any agricultural classification and therefore the redevelopment of the site for residential purposes does not raise any concerns over the loss of the existing land use.

### **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 developable areas of the application site are wholly within Flood Zone 1. A Flood Risk Assessment has been submitted in support of the planning application. Surface water would be attenuated by a system of swales and attenuation ponds prior to any discharge to a watercourse. The Flood Risk Management Team has requested the imposition of planning conditions should the application be approved.

The Environment Agency has raised no objections to the proposed development and Northumbrian Water has requested a planning condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment.

### **Contaminated Land**

Council records indicate that the site has been used for agricultural (grazing) purpose since prior to 1857 with two small “piggeries” operated in the 1940s located to the rear of 20 Burtree Lane and 51 Beaumont Hill. The development site includes a network of field drains and a small stream which run down-gradient to the southeast under the Durham Road to the River Skerne located 2km to the east. Council records indicate that the development site has not been used for infilling or any other potentially contaminative land uses.

Based on the available information the Contaminated Land Officer does not consider that any further geoenvironmental investigations are warranted or necessary. However as a contingency measure, it is recommended that a planning condition is attached to any approval which deals with the procedures for finding any suspected contaminated material.

### **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 of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

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

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

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of

the development in its form, design and plant species and which enhances the appearance of the development and its setting.

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

The Masterplan which has been submitted for Illustrative purposes shows how the site can be developed with a large area of open space and landscaping to the north of the site, and other areas of open space on the edge and throughout the site. Existing trees and hedgerows could be retained wherever possible and SUDs ponds would be created within the site. A central area of the site would be retained and set aside for a primary and nursery school. The Masterplan shows that new dwellings on the eastern boundary could face onto the A167 (but not directly accessed from it) which would complement the ribbon form of development on the opposite side of the highway (Harrowgate Village/Beaumont Hill). 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 Masterplan shows that the scheme could integrate into the existing development pattern as well as the surrounding rural 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.

A Noise Impact Assessment has been submitted with the planning application which considered the impact of road traffic noise on the development site. It is considered that the site can be redeveloped for residential purposes and Environmental Health has requested the imposition of a planning condition that requests the submission of further Assessments with any Reserved Matters submission.

Planning conditions would be imposed to secure the submission of a Construction Management Plan and to control the use of piling foundations if required.



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

### **School Places**

When this scheme was originally submitted to the Council, along with the adjacent site on Burtree Lane (ref no: 15/01050/OUT) they both involved land being set aside for the provision of a primary school. However, following discussions with the Council, the preferred site for a school, if required, was the Berrymead Farm site and therefore the application for the adjacent Burtree Lane site was amended accordingly. The developers for the Burtree Lane site would contribute to the developers of this 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 (Northwood Park) 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 the land for this school would be set aside and retained on this site via a planning condition.

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 Burtree Lane 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**

An Air Quality Assessment has been submitted in support of the application. The report 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 NO<sub>2</sub> and PM<sub>10</sub> 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.

The mitigation measures that are required to control dust from the construction phase will be addressed as part of a Construction Management Plan and if the CMP incorporates the mitigation measures outlined in the Assessment, the impact will be satisfactorily reduced. Given that the operational phase of the development will have a negligible impact Environmental Health consider that 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.

A Great Crested Newt Survey highlights that there is a pond present in the north western end of the site which would provide excellent suitability for great crested newts. However whilst surveys of this pond recorded no great crested newts being present, this pond would be retained as part of any development. Given the results of the survey and the overall mix of habitat types on the site, it is considered unlikely to support a population of great crested newts although there remains a low residual risk that the species may be present at the time of any works and may be harmed/disturbed. In order to address this risk and other risks to the small number of smooth newts and common frogs that were recorded on the site, the Survey recommends that works will be undertaken to a pre-agreed amphibian method statement and habitats around the existing pond will be enhanced through measures such as marginal and bankside planting, reprofiling of the pond and pond clearance.

A Bird Breeding Survey advises that the site supports a number of bird species and it provides a locally important foraging and nesting resource. The site has the suitability to support a limited range of nocturnal species. It is anticipated that the development will have a number of short term effects on breeding birds but in the long term, hedgerows and scattered trees are largely being retained and as such the nesting potential will also be retained. In order to protect wild birds and their habitats and eggs all site clearance will take place outside of the bird breeding season and recommended mitigation measures include nest boxes within trees; hedgerow and tree retention wherever possible; the retention of both short mown and longer coarse grasslands and the avoidance of high intensity lighting.

A Bat Survey recorded low to moderate levels of bat foraging and commuting activity within the site and no evidence was recorded of bats roosting in the trees although they do have potential

to do so. The Survey recommends that aerial tree assessments for roosting bats are carried out prior to the felling of any trees; the retention of “green” corridors within the proposed layout of the development etc.

The Council’s Ecology Officer accepts the findings and recommendations outlined within the Reports but the layout shown on the Illustrative layout 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.

None of the trees within the application site are covered by a tree preservation order.

An Arboricultural Impact Assessment concludes that the redevelopment of the site can be undertaken with minimal arboricultural impact. Any further potential impacts can be avoided during ongoing detailed design and all retained trees and hedges can be protected during and after the construction phase. Any loss of tree or hedge cover can be compensated for within a landscape design that allows for tree planting within the new layout.

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 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 has 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 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 proposed development site lies outside of the development limits to the urban area but despite this conflict with the local development plan policy, 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 Mineral Safeguarding Area is a significant 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 the design and layout of the development would be reserved for future submissions, it is considered that a scheme can be achieved that would 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. 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 THE FOLLOWING**

- Improving sport provision in the locality of the planning application site;
- 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 370 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 100 Revision B – Site Location Plan
  - b) Drawing Number 14017/TK06A – Refuse Vehicle Swept Path Analysis at Site Access/Beaumont Hill
  - c) Drawing Number 14017/TK07A – Articulated Lorry Swept Path Analysis at Site Access Beaumont Hill
  - d) Drawing Number 14017/TK11 – Max Legal Artic Swept Path Analysis- Burtree Lane/Site Access Roundabout
  - e) Drawing Number 14017/16 Rev A – Proposed Site Access and Off Site Highway Mitigation (1 of 2)
  - f) Drawing Number 14017/17 Rev E – Proposed Site Access and Off Site Highway Mitigation (2 of 2)

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 the development as a whole or within each phase, a scheme for the provision of affordable housing shall be submitted to and approve 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 the development as a whole or within each phase shall include:
- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - b) 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 no 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 or for each phase, for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

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

### **Land Contamination**

13. In the event that suspected contaminated material is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

REASON: To ensure that the development can be implemented and occupied with adequate regard for environmental and public safety

### **Open Space and Childrens Play Areas**

14. 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

15. 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**

16. 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**

17. 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.

18. Notwithstanding the approved recommendations and mitigation measures contained within documents entitled "Ecological Scoping Survey – Berrymead Farm, Darlington" dated August 2015, "A Bird Breeding Survey of Berrymead Farm, Darlington – Report No 3" dated August 2015 and "Great Crested Newt Survey, Berrymead Farm" dated August 2015, all produced by E3 Ecology Limited, any Reserved Matters applications for a phase or sub-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

### **School Site Allocation**

19. Notwithstanding the details within the approved planning application, land within the application site shall be allocated for education purposes (1.45 hectares). The position of the land within the site shall be agreed with the Local Planning Authority and thereafter shall be retained for such purposes for a time period of ten years from the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

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

### **Noise**

20. 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 road traffic noise from the A167 and Burtree Lane 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 road traffic 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**

21. Prior to the commencement of the development as a whole or 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

22. 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

23. 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**

24. Prior to submission of the reserved matters (Condition 1) the developer must secure the implementation of and undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. 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 within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

REASON: The site is in an area of archaeological potential. The results of the evaluation will be needed to help determine the future reserved matters/full planning application.

### **Travel Plan**

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

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

### **Drainage**

26. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate

surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development, as a whole or each phase commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus 30% climate change should also be provided.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

27. No development as a whole, or in each phase, shall commence until a construction management program has been provided to and approved by the Local Planning Authority, for the installation of the surface water infrastructure, the plan should include the following;
- a. Timetable for the construction of the key elements of the surface water management scheme these are
    1. The outfall structure
    2. The control structure
    3. The storage structure
  - b. The measures to be taken to control silt levels entering the water course during construction.

REASON: To ensure surface water runoff is controlled and does not increase flood risk during the construction phase

28. None of the dwellings in each phase shall be occupied until a Management/Maintenance Plan for surface water solution has been provided to and approved by the Local Planning Authority. The plan should include details of the following;
- a. A plan clearly identifying the sections of the surface water system that are to be adopted by NWL
  - b. The arrangements for the short and long term maintenance of the SuDS elements of the surface water system
  - c. Funding arrangements for the long term maintenance of the SuDS components.

REASON: To ensure that all elements of the SUDS are maintained satisfactory.

29. 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 July 2015 and produced by ID Civils Design Limited and the following mitigation measures detailed in the Flood Risk Assessment. 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

30. The development shall be implemented in line with the foul water scheme contained within the submitted document entitled "Flood Risk Assessment (FRA) and Drainage Strategy" dated July 2015 and produced by ID Civils Design Limited. The foul water scheme shall ensure that foul flows discharges to manhole 2101.

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

31. Prior to the commencement of the first dwelling within the development as a whole or 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**

#### **Tees Valley Minerals & Waste Core Strategy 2011**

MWC4: Safeguarding of Minerals Resources from Sterilisation

#### **Other Documents**

Supplementary Planning Document on Planning Obligations

**INFORMATIVE 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.

**Drainage**

The drawing no. 4297-FRA06 in the submitted Flood Risk Assessment indicates that the existing watercourse will be diverted and also culverted in three locations. These alterations to the existing ordinary watercourse will be prohibited without written consent from the Local Lead Flood Authority. A land drainage consent requires a separate application from the Local Lead Flood Authority.

**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.