

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 July 2008

Page

APPLICATION REF. NO: 08/00321/FUL

STATUTORY DECISION DATE: 28 July 2008

WARD/PARISH: HEIGHINGTON

LOCATION: Heighington Lane, Heighington

DESCRIPTION: Erection of 14 affordable dwellings with associated access and parking arrangements for occupation by local people (amended description)

APPLICANT: Northern Affordable Homes Limited

APPLICATION AND SITE DESCRIPTION

The application site is currently used as agricultural land and measures 0.36 hectares. It is located on the eastern edge of Heighington Village. The site is part of a larger agricultural field, which is split in two, situated between the village and A6072 Heighington Bypass. The rear gardens of dwellings on Beech Crescent lie to the west of the application site and there is a group of Grade II listed buildings on Heighington Lane/Station Road opposite to the south. The remainder of the agricultural land forms the eastern and northern boundaries. The site lies within the Heighington Conservation Area and an Area of High Landscape Value.

The proposal involves the erection two terraces running parallel to Heighington Lane/Station Road consisting of fourteen two-storey dwellings with a central vehicular access leading to a total of twenty one car parking spaces to the rear. The development would be for affordable housing restricted to those who are in housing need and have lived or worked in Heighington for at least five years. The applicant would aim to secure this through a Section 106 Agreement.

This application is a resubmission following a previous withdrawal of a planning application (See Planning History) for the erection of 12 affordable dwellings. The previous application was to be considered by Members of the Planning Committee in December 2007 and was recommended by Officers for refusal for the following reasons:

- 1) The proposed development would not fully comply with the criterion of Policy H10 (Affordable Housing Needs in Rural Areas) of the Borough of Darlington Local Plan as the application site is not the only potentially suitable site for an affordable housing scheme and the proposed development would not reflect and respect its surroundings.
- 2) The proposed development would have a detrimental impact upon the Heighington Conservation Area by reason of its location, design and layout. The development would not preserve or enhance the character or appearance of the conservation area and therefore it would not comply with Conservation Area guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.

- 3) The proposed development would have a detrimental impact upon the setting of the Grade II listed buildings to the south of the application site by virtue of its location, layout and design. The development would not comply with the Listed Building Control guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- 4) The proposed development would have a detrimental impact upon the Area of High Landscape Value by reason of its location, design and layout. The development would not conserve the landscape character and quality of the Area of High Landscape Value and therefore it would not comply with Policy E8 (The Area of High Landscape Value) of the Borough of Darlington Local Plan.

The applicant had the application withdrawn prior to the Committee and they have resubmitted an amended scheme in order to try and overcome the above issues. Briefly, the main revisions between the two submissions are:

- The application site boundary has been revised so that it is more linear and runs parallel with Heighington Lane/Station Road;
- The design and layout of the development has been amended;
- The number of dwellings has increased from 12 to 14;
- The number of car parking spaces has increased from 18 to 21;
- Further work has been carried out to assess the availability of other sites in Heighington for an affordable housing scheme.

The applicant carried out a Statement of Community Involvement exercise prior to the submission of the original application. This application has been accompanied by an Affordable Housing and Planning Policy Statement; Alternative Site Assessment; Design and Access Statement; Landscape Assessment; Tree Survey and a Archaeological Assessment.

PLANNING HISTORY

92/00387/MISC In September 1992 planning permission was REFUSED for a residential development in outline. In May 1993 an appeal against this decision was DISMISSED

07/01008/FUL An application for the erection of 12 affordable dwellings with associated access and parking arrangements for occupation by local people was WITHDRAWN

PLANNING POLICY BACKGROUND

The following sources provide the planning policy context to determine the application:

Planning Policy Statement 7 – Sustainable Development in Rural Areas
Planning Policy Statement 3 – Housing

Government advice relating to conservation areas and listed buildings is contained within Planning Policy Guidance Note 15: Planning and the Historic Environment

The following policies within the Borough of Darlington Local Plan are relevant:-

- E2 Development Limits
- E7 Landscape Conservation
- E8 The Area of High Landscape Value

E10	Protection of Key Townscape and Landscape features
E11	Conservation of Trees, Woodlands and Hedgerows
E12	Trees and Development
E13	Tree Preservation Orders
E14	Landscaping of Development
E16	Appearance from Main Travel Routes
E29	The Setting of New Development
E34	Archaeological Sites of Local Importance
H3	Locations for New Housing Development
H7	Areas of Housing Development Restraint
H9	Meeting Affordable Housing Needs
H10	Affordable Housing in the Rural Areas
H11	Design and Layout of New Housing Development

The Council's adopted Affordable Housing Supplementary Planning Document 2007 is relevant along with the Local Housing Needs Assessment 2005

RESULTS OF CONSULTATION AND PUBLICITY

A total of 190 letters of objection have been received. The concerns raised can be summarised as follows:

- *The site lies outside of the development limits as defined by the Borough of Darlington Local Plan;*
- *The granting of this development will set a precedent for other developers to build on fields on the edge of the village. The Council will find it more difficult to defend such developments;*
- *The development would have a detrimental impact upon the character and visual appearance of the Heighington Conservation Area;*
- *The design of the proposed development is not of a high quality. Terraced properties are not in keeping with the surrounding streets;*
- *The development would have a detrimental impact upon the character and visual appearance of the Area of High Landscape Value;*
- *The development would put additional strain on the village school and other facilities, amenities and services within the village;*
- *There is already affordable housing in West Park, Newton Aycliffe and Shildon. A person can buy a house outright for £90,000 in those areas;*
- *Northern Affordable would be able to transfer ownership to another party with no connection to Heighington within just six weeks. The local residents would not benefit from the development*
- *The protection strip originally offered to the Parish to prevent further encroachment into the surrounding fields appears to have been removed;*
- *There is no need for affordable housing in Heighington*
- *There are equally affordable homes within close proximity to the application site and the village*
- *The terraces will be dominant buildings and would have a detrimental impact upon the setting of the listed buildings opposite*
- *The dwellings should be constructed from stone to match the others on the area;*
- *We need this land for growing crops; for food; fuel and wildlife. The development would destroy flora and fauna;*

- *The development will cause additional traffic congestion and parking problems in the village;*
- *The village has a national standing as the “Perfect Village”. The development would have a detrimental impact upon this status and permanently alter its character*
- *The application is just the first of many applications here. It is the beginning of a larger housing development;*
- *With current environmental concerns, how can the construction of houses where there is no employment be sensible? This will result in more car journeys as public transport is neither convenient or cheap*
- *The development would place additional strain on the existing sewage and drainage infrastructure*
- *Current housing market is showing a consistent decline in house prices. There is no need for this form of development*
- *This is an even larger development than previously proposed*

A number of detailed letters objecting to the development on national and local planning policy grounds have been submitted and considered by Officers

Heighington Parish Council

Heighington Parish Council has submitted a detailed letter of objection to the application. The submission concludes that the development does not meet the requirements of Policy H10 of the Borough of Darlington Local Plan as:

- The localized needs have not been substantiated for shared ownership houses;
- What little need there is can easily be satisfied in another way;
- The development does not reflect and respect its surroundings; and
- The area within which needs will be considered is not local to the village

The Ramblers Association

The Ramblers Association has reiterated their previous comments, which were that Heighington is often a starting point for their walks. This summer parties of 32 to 35 attended. They believe the ambience of the village attracts so many. Station Road is often used to access the Public Rights of Way network and they look to the Council to ensure no hindrance to public access during or after any works.

Environment Agency

The Environment Agency has no objections to the proposed development subject to the imposition of a planning condition relating to the implementation of a surface water regulation system.

CE Electric UK

CE Electric UK have raised no objections to the proposed development

Durham County Council Archaeology

The Durham County Council Archaeology Section have raised no objections subject to the imposition of a planning condition to ensure that archaeological evaluation and, if required, mitigation works are carried out before any development commences on site.

Northumbrian Water

Northumbrian Water has raised no objections to the proposed development

Campaign to Protect Rural England

CPRE have objected to the application on the following grounds. *“The whole development is outside the development limit of the village. It is understood there are some provisions within the Local Plan for affordable housing outside the development limit. We have been in discussion with residents in the area regarding the need for affordable housing. We understand that of the 26 houses considered to be needed in Heighington and Coniscliffe Parish, 20 are for either single bedroom or for the elderly. This proposal is for 2 and 3 bedroom properties, of which only 6 are required for the whole parish. We do not consider the provision relating to affordable housing is met. The terrace is incongruous and does not blend into its surroundings, something of particular importance as it is a conservation area. There is concern regarding the trees within the site and the possibility of damage during and after construction”*

PLANNING ISSUES

The main issues to be considered are:

- Affordable Housing and Planning Policy
- Impact upon the Character and Visual Appearance of the Surrounding Area
- Residential Amenity
- Highway Matters
- Trees

Affordable Housing and Planning Policy

The proposed development is for the erection of an affordable housing development consisting of fourteen units for occupation by local people. The Borough of Darlington Local Plan defines affordable housing as housing designed for those whose incomes generally deny them the opportunity to purchase houses on the open market as a result of the local relationship between income and market price.

The application site is outside of the defined development limits for Heighington Village (Policy E2 of the BDLP), in an area of high landscape value (Policy E8) and in the Heighington Conservation Area. However, certain exceptions have been established in National and Development Plan policies to allow development in exceptional circumstances.

The two national Planning Policy Statements that are of direct relevance to the affordable housing scheme are PPS3 and PPS7, where guidance on development and housing in rural communities is given.

Paragraph 30 in PPS3 sets out how Local Planning Authorities should approach providing affordable housing in rural communities:

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.”

The proposals are for an adequate quality of housing, that will contribute to the continuing sustainability and ongoing prosperity of the village as it will allow the housing need to be

partially met in the village and provide a greater diversity of accommodation to people already or needing to live in the village.

When looking at the location of new development in rural areas, not just exclusively for housing, PPS7 gives a broad indication. Paragraph 3 in PPS7 sets out how Local Planning Authorities should approach the location of new development in rural areas:

“Planning authorities should set out in Local Development Documents their policies for allowing some limited development in, or next to, rural settlements that are not designated as local service centres, in order to meet local business and community needs and to maintain the vitality of these communities. In particular, authorities should be supportive of small-scale development of this nature where it provides the most sustainable option in villages that are remote from, and have poor public transport links with, service centres.”

The paragraph above states that Development Plan Documents should include policies for allowing some limited development in order to meet community needs. The paragraph further states that in villages such as Heighington, small-scale developments that meet the local community need (i.e. affordable housing) should be supported by the Local Planning Authority. The proposals are for a relatively small-scale development, the identified location (discussed further in comments) is one of the most sustainable option for the village after a review of the other potential sites. Paragraph 8 in PPS7 goes further to direct Local Planning Authorities, specifically on housing:

“The key aim is to offer everyone the opportunity of a decent home. The needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.”

As of January 2008, in the Borough, of the existing housing planning permissions only 7% are away from the main urban area. Similarly, only 4 dwellings of these additions are in the village of Heighington (and none of them are affordable). This reflects the situation that the vast majority of additional housing is focussed on the existing Darlington urban area. Paragraph 8 goes further to promote the idea that new housing could and should be directed towards villages like Heighington where the new housing meets the identified local need and thus ensuring the vitality of the village community.

PPS7 goes further to state:

“Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities.”

The proposed development makes an attempt to reflect the historic and architectural value of the village and Conservation Area by virtue of the design and layout, however it is arguable whether it actually enhances these qualities. The design and layout of the development will be considered in detail further in this report.

The Borough of Darlington Local Plan is of direct relevance to the proposed affordable housing development. As previously stated the application site lies outside of the defined development limits for Heighington Village, and in normal circumstances planning permission would not be granted for the erection of new dwellings in such locations. Policy H10 (Affordable Housing in the Rural Area) however, states that: *“In exceptional circumstances, residential development to meet identified localised needs for affordable housing may be permitted on sites adjacent and well-related to villages with adequate local facilities, provided that a suitable site cannot be found within the development limits, and provided that:*

- 1) *The needs are substantiated; and,*
- 2) *The needs cannot be met in any other way; and,*
- 3) *Provision is made to meet those needs in perpetuity; and,*
- 4) *The development is of small scale, reflecting and respecting its surroundings.”*

The local plan goes further to explain, in the supporting text to the policy, that Heighington is an appropriate location for the use policy H10 based upon its provision of local facilities. Each point in the policy is addressed below:

The site itself is immediately adjacent to the development limits of the village and it is related to existing properties within the development limits via sharing a curtilage boundary. The village does have some local facilities such as a school, post office, pubs and shop.

1) The primary source of information, although not the exclusive source, is the Local Housing Assessment (LHA). In 2005 it identified a Borough-wide affordable housing shortfall of 1,325 dwellings for the five-year period December 2005 to December 2010, equivalent to 265 homes per annum.

Further to this, the Borough-wide shortfall is broken down into urban and rural sub-areas. In the rural sub area of Heighington and Coniscliffe there is an annual need of an additional 26 dwellings or a requirement for 130 affordable dwellings for the five-year period December 2005 to December 2010.

The evidence reveals a definitive affordable housing need in the Heighington area. Indeed, in the recently adopted Affordable Housing Supplementary Planning Document (SPD) 2007, the Heighington area is categorised as being in an acute area of affordable need. Further reinforcing the point that there is a need for additional affordable housing in the Heighington area.

The breakdown of the affordable housing need in the Heighington and Coniscliffe sub area can be seen in the table below:

General Affordable Provision			Elderly Persons Provision	
1 Bed	2 Bed	3+ Bed	1 Bed	2 Bed
-6	-4	-2	-4	-10

Source: Local Housing Assessment 2005

The table above reveals the need in the area for 2 and 3 bedroom affordable dwellings. The proposals for the site are for six 2 bedroom dwellings and eight 3 bedroom dwellings, therefore the affordable provision proposed is in accordance with the majority of need in the Heighington area. There is also a need for single persons accommodation, however this could reasonably be accommodated in the 2 bedroom dwellings, allowing a greater letting flexibility in the future.

Through the evidence detailed in the Local Housing Assessment 2005, the need for additional affordable homes in the village of Heighington is substantiated.

2) Because of the nature of the village there are a limited number of previously developed sites within the development limits, available, that could support dwelling houses. This leaves the vast majority of alternative sites to be a greenfield extension to the village.

The applicant has submitted an exhaustive assessment of all potential development sites in and around the village. The assessment criteria is in broad accordance with the approach to be taken in Darlington's Strategic Housing Land Availability Assessment. The assessment criterion was established in accordance with advice from the Council and as a result it is deemed robust. The assessment establishes not only whether a site is suitable for housing but also whether it is available and deliverable. In terms of whether the need cannot be met in any other way, deliverability of a site is crucial. Other sites that are potentially suitable and available for market housing are not deliverable due to legal reasons or crucially due to the landowner not wanting to release the land at a reduced price to facilitate affordable housing.

The results show that the application site is one of the most sustainable sites, however it is the only sustainable site that is currently available and most importantly the only site that is deliverable for affordable housing. Based on this robust assessment it is assumed that the application site is the only site in or around the village that is currently suitable, available and deliverable. Therefore the needs cannot be met in any other way other than at the application site.

3) The Affordable Housing SPD elaborates on the Policy H10 policy set out in the Local Plan. With regard to the type of affordable homes that will be provided, the Council will be looking for all 14 dwellings to be provided as intermediate shared ownership tenure as opposed to socially rented. The Council's viewpoint is established in paragraph 7.1 in the SPD:

"In villages, where demand for social rented accommodation tends to be less than in the urban area, the Council will seek intermediate housing exclusively or in combination with a contribution towards affordable housing generally."

The proposals are for all the 14 dwellings to be intermediate shared ownership; therefore the proposals are in accordance with the objectives set out by the Council. The Council's Housing Management Team (HMT) also provides evidence towards assessing whether the affordable dwelling types are in accordance with the need. Historically, in rural locations, the HMT have difficulty letting 100% rented units, therefore direct management experience shows that the actual affordable housing need is in the intermediate housing sector. The proposal for intermediate shared ownership dwellings therefore helps to remedy this problem

Because of the need to ensure provision goes to the most needy, the Council would seek to have 100% nomination rights on the first time and subsequent lets. Paragraph 11.8 in the SPD sets out below the criteria as to whom the Council would accept as a nominee:

“The nominee or someone who ordinarily is a member of their household:

- *Must have previously resided in Darlington for a period of at least 12 months; or*
- *Must be currently living within Darlington and have been doing so for a period of at least 12 months; or;*
- *Must be a full time carer for a person living in Darlington; or must, for sites in the rural area, have an immediate and direct blood relation who has been living in the rural area for a period of at least 12 months; or;*
- *Must be in full time employment in Darlington.*

In respect of developments in rural locations additional priority for re-housing will be given to applicants who successfully meet one or more of the above criteria and are able to demonstrate a local connection to the immediate area where the new affordable housing vacancies will arise, on a cascade approach”.

Furthermore, if sufficient local people meeting one or more of the said criteria are not identified then the Council would seek to cascade out the allocation process to include immediate neighbouring areas. In this case the fourteen houses would be restricted to people who have lived, or worked in Heighington for at least five years and after an allocated time period, if local people cannot occupy the dwellings, the units would be cascaded to others in housing need.

If planning permission were to be granted, a Section 106 Agreement would secure, in perpetuity, restrictions on the occupancy and affordability. The applicant has supplied a draft Agreement, and if Members deem to approve the application a condition would need to be imposed relating to the Council entering into such an Agreement.

The Council’s Housing Renewal Officer has commented as follows: *“Clearly the delivery of an additional 14 affordable units on a shared ownership / shared equity basis mirrors the requirements of the affordable housing SPD and is substantiated by the housing need assessment in 2005 which identified a housing need for Heighington and Coniscliffe of 26 affordable units. The 14 proposed affordable housing units will make a valuable contribution to the estimated annual affordable housing requirement of 265 affordable units per annum up to 2010. The discount being proposed on open market sale prices (35% to be maintained in perpetuity) and the flexibility of offering 2 and 3 bed homes@ £85k and £95k respectively is attractive given current open market sale prices in the locality. The proposed mix of 2 and 3 bed properties compliments the Council's own housing registration list data and helps redress the current tenure imbalance. The restrictions on initial and subsequent lets / sales based upon local connection criteria should be commended and will allow appropriate access to those identified in housing need and with existing local connections to the Heighington community. The flexibility to dispose of properties to an RSL for rental purposes is attractive and helps maintain control over rents and housing standards although Northern Affordable Homes have committed to achieving Housing Corporation target rents which again is a very positive feature.”*

The proposals satisfy points 1, 2 and 3 of the criteria set out in the policy, this leaves point 4 to be the main point of further consideration.

Character and Visual Appearance of the Area.

Point 4) states that the proposed development must be small scale and reflect and respect its surroundings. The site area of the proposed development is 0.36 hectares and can be considered

as small scale. It is within the Heighington Conservation Area and also the Area of High Landscape Value.

Policy E8 (The Areas of High Landscape Value) of the Local Plan states that the Council will give special attention to conserving landscape character and quality within the Area. Development on the edges of built up areas within and adjacent to the Area will be permitted if it is of a high standard of design reflecting the scale and traditional character of buildings in the Area and does not detract from the high landscape quality.

The Heighington conservation area boundary was extended in 1999 to incorporate the proposed site and open fields to the East, North and South. This was in order to withstand pressures for further development of this open land following the newly constructed A6072 by-pass and to assist in retaining the Conservation Area's historic integrity and layout.

PPG 15 Planning and the Historic Environment states that, *Section 72 of the Act requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area...* PPG15 continues, If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional circumstances the presumption may be overridden in favour of development which is desirable on the ground of some other public interest

To the south of the application site, on the opposite side of Heighington Lane/Station Road lies properties known as Dovecote, Alexander Cottage, Jepson Cottage and Trafalgar House along with some outbuildings. These buildings are Grade II listed buildings. PPG15 states *Sections 16 and 66 of the Act require authorities considering planning permission..., which affect a listed building to have special regard to certain matters, including desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. The character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside if they become isolated from their surroundings eg. by other development*

Following concerns raised by the Council's Conservation Officer and English Heritage over the design and layout of the previous proposal, the applicant has redesigned the development. The proposal consists of two blocks of two storey terraced properties, each containing seven units with a central access point leading to a rear car parking area. This linear development contains grass verges onto Station Road/Heighington Lane containing some existing trees and hedges. The units are set back behind the hedge to create open frontages with footpaths and each dwelling has an enclosed front garden, as well as amenity space to the rear. The terraces are staggered with pitched roofs and brick chimney stacks. The external walls are a mix of stone and render with sash windows.

In terms of landscaping, the western boundary, which runs alongside the existing dwellings on Beech Crescent, consists of a privet hedge. The proposed development would be built as close as possible to the hedge to try and avoid any visual separation between the development and the existing village. The hedge would become an internal village boundary. A well-managed field hedgerow with intermittent hedgerow trees demarcates the eastern boundary. This boundary would be supplemented with further planting to provide screening when viewed from the bypass and surrounding countryside. Landscaping on the northern boundary is designed to reflect

existing field hedges. A new boundary hedge in mixed native species with hedgerow trees would be planted.

The Design and Access Statement and the Landscape Assessment submitted by the applicant, conclude that the development would not harm the conservation area, the setting of the listed buildings of the wider landscape surrounding Heighington. The layout, form, character and building materials are sympathetic to the character of the village and reflect local vernacular. They consider that the development will make a positive contribution to the conservation area and enhance the setting of the listed buildings. The Landscape Assessment concludes that *“the development offers an opportunity to enhance the eastern edge of the village in landscape terms and provide a more appropriate transition from urban built form to open land that exists at present, as well as enhancing the open land itself in landscape and wildlife terms.”*

English Heritage were involved at the pre-application stage where they considered the revised application at one of their review meetings of important applications in the region. English Heritage commented at this stage that they considered the proposal would have a detrimental impact upon the conservation area. English Heritage were then notified as part of the Council’s planning application consultation exercise and they reiterated their advice that the proposal will have a detrimental impact upon the character and appearance of the conservation area and they recommend that planning permission should be refused. They have commented as follows:

“The proposed scheme would occupy a large and important site in the north east quadrant of the designated conservation area. We provided formal advice on the earlier planning application. We identified some of the defining physical characteristics of this part of the conservation area, including the leafy rural character of the former Heighington Lane (now known as Station Road) and adjoining open fields. These characteristics provide an enduring reminder of the historic rural origins of the village. The site and adjoining open fields make an important contribution to the landscape setting of Heighington. This fact has been explicably acknowledged by the local planning authority through its decision to a) extend the conservation area boundary in 1999 to include these areas and b) identify the site as being outside defined developments in the published Local Plan

We are not opposed to the principle of development on this site. However, we foresee particular challenges in accommodating an acceptable development in this location due to the intrinsic rural character of this part of the conservation area and the associated infrastructure that would need to accompany such development, including transport and highways engineering requirements. The design approach for the proposed scheme is, in our view, flawed in the sense that it seeks to emulate the historic built form at the centre of the village (with its fine urban grain of narrow fronted and tightly packed cottages) in a location at the very edge of the settlement which is characterised by low density development and a coarse urban grain. In consequence, the proposal would not relate well to its immediate surroundings and, rather than contributing in a positive way to the character and quality of the area (in accordance with the approach in Planning Policy Statement 1: Delivering Sustainable Development), the proposal would appear as an incongruous and intrusive feature in this location. The large expanses of hard landscaping and car parking would additionally not succeed in creating a cohesive, high quality scheme that would be appropriate to local context and that would contribute positively to the intrinsic soft and green character of the immediate area.

We consider that the proposed scheme would have a detrimental effect upon the character and appearance of the Heighington Conservation. We therefore recommend that the application be

refused and that alternative sites – in less sensitive locations – be pursued in order to meet affordable housing demand in the wider locality”

English Heritage has been made aware that the applicant has considered other sites within the area and they have still urged the Council to resist the application.

The Council’s Urban Design Officer has commented as follows: *“After considering the plans, context and EH comments I can offer the following comments;*

The location and siting of the new development would have a negative impact upon the conservation area and adversely effect this important landscape.

It may be possible to develop the site more in keeping with the immediate historic assets although with reference to point 1 the issues around landscape may be insurmountable.

The design of the dwellings does not adequately reflect the context, vernacular and variety found in the area, although the general layout with rear parking is broadly acceptable.”

PPG15 states that the courts have confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any development conflicts with that objective there should be a strong presumption against the grant of planning permission, though in exceptional circumstances the presumption may be overridden in favour of development which is desirable on the grounds of some other public interest.

In this instance, the public interest issue is that a need for affordable housing in the Heighington and Low Coniscliffe ward has been identified and the applicant considers the application site to be the most suitable site in order to aid the Council in meeting its affordable housing targets for this ward (an additional 26 dwellings or a requirement for 130 affordable dwellings for the five-year period December 2005 to December 2010). Achieving this target has to be considered against the impact that the proposed development will have on the Heighington Conservation Area. Officers have taken a balanced view on this issue and consider the impact that the development will have on the conservation area should not be outweighed by the identified need for affordable housing in the Heighington and Coniscliffe Ward.

PPG15 Para.2.17 states, *Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building.*

The group of listed buildings (as above) immediately South of the application site, all date to c.1815. PPG15 Para.2.16 states, *“The setting is often an essential part of a building’s character, especially if a garden or grounds have been laid out to complement its design or function.”* Trafalgar House, built in 1815, by William Pryce Cumby, the commander of the battleship HMS Bellerophon, which fought at the battle of Trafalgar on 21st October 1805 (hence the name), would suffer with its setting seriously compromised by this development, which would not respect the character of the existing group of early 19thC buildings.

It is also considered that the development would have a detrimental impact upon the Area of High Landscape Value, as the proposal does not reflect the scale and traditional character of the

buildings in the area. It would have an adverse impact upon the existing landscape quality of the site and surrounding area.

The next section of the report covers the other development control matters, which also require consideration.

Residential Amenity

The proposed development would not raise any residential amenity concerns in relation to issues such as overlooking and complying with the Council's guidelines in separation distances between dwellings

Highway Matters

The development consists of twenty-one parking spaces with a central access directly off Station Road/Heighington Lane. The Council's Traffic Manager has commented follows:

“Traffic generated by the development would be likely to be in the region of 12 no. trips in the peak hour and this can easily be accommodated on the highway network in the vicinity of the site. Twenty-one parking spaces are provided and this is consistent with government advice on parking numbers for the sizes of dwellings proposed. Although the internal access roads, parking areas and footpaths are not being submitted for adoption there will be a requirement for these to be constructed to an adoptable standard. Also, a regime/agreement must be put in place to maintain the infrastructure to an acceptable standard and to provide for ongoing maintenance e.g. energy charges for street lighting, road sweeping, gully cleansing etc. A condition must be included with an approval to reflect this requirement.

The acceptable visibility splay for the proposed junction of the site access with Station Road is 2.4m.x 43m. and this can only be achieved if existing trees and undergrowth are removed either side of the access. A condition will be required to secure this and a condition will also be required for dropped crossings/tactile paving on both sides of Station Road to provide a pedestrian crossing facility.

Provided the above requirements are included as conditions of approval I would raise no highway objection to the proposal.”

The Transport Policy Section has requested the imposition of a condition relating to the need to provide a secure cycle parking and storage area.

Trees

The applicant has submitted a Tree Survey outlining the trees to be removed and those to remain. The Council's Arboricultural Officer has considered that report and has deemed two trees, which would be retained as part of the development, a Semi Mature Ash (G5(c)) and a semi mature Sycamore (G4(c)) as worthy of a tree preservation order.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

For the development to be considered acceptable, it must fully comply with all four criteria outlined in Policy H10 (Affordable Housing in the Rural Area) of the Borough of Darlington Local Plan. Officers consider that the proposal satisfies points 1), 2) and 3) but it fails to comply with the final criteria that the development must be of a small scale, reflecting and respecting its surroundings. Officers and English Heritage consider that the application site and the surrounding open fields are an important feature and characteristic of the Heighington Village, which is further evident due to the extension of and their inclusion within the existing conservation area in 1999. The location, design and layout of the development have been taken into account and both Officers and English Heritage have strong concerns about the proposal and consider that this residential development would not preserve or enhance the visual appearance of the conservation area. The development would also have an adverse impact upon the Area of High Landscape Value and the setting of the adjacent listed buildings.

The applicant considers that the need of affordable housing in Heighington is of sufficient importance that this is capable of overriding conservation area objections; on the basis that the provision of affordable dwellings for local people would be in the public interest as per PPG15. The applicant has looked at other sites within Heighington, which have been discounted for various reasons, and they consider that the application site was the most suitable for an affordable housing development. On balance, the need to deliver affordable housing, on this specific site, does not override the potential adverse effect that the scheme would have on the Heighington Conservation Area. Planning permission, in this specific case, should therefore be refused.

RECOMMENDATION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

- The proposed development would have a detrimental impact upon the Heighington Conservation Area by reason of its location, design and layout. The development would not preserve or enhance the character or appearance of the conservation area and therefore it would not comply with Conservation Area guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- The proposed development would have a detrimental impact upon the setting of the Grade II listed buildings to the south of the application site by virtue of its location, layout and design. The development would not comply with the Listed Building Control guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- The proposed development would have a detrimental impact upon the Area of High Landscape Value by reason of its location, design and layout. The development would not conserve the landscape character and quality of the Area of High Landscape Value and therefore it would not comply with Policy E8 (The Area of High Landscape Value) of the Borough of Darlington Local Plan.