

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE:** 24<sup>th</sup> August 2016

**APPLICATION REF. NO:** 16/00550/FUL

**STATUTORY DECISION DATE:** 22 July 2016

**WARD/PARISH:** SADBERGE AND MIDDLETON ST GEORGE

**LOCATION:** Land North East Of 3-4  
Laurel Terrace, Sadberge, Darlington

**DESCRIPTION:** Erection of 3 No. terraced dwellings (amended  
and additional plans received 13 June 2016)  
(amended Heritage Statement received 13 June  
2016)

**APPLICANT:** Mr J Howard

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**APPLICATION AND SITE DESCRIPTION**

The site is located on the corner of Stockton Road, to the east of Sadberge Village Centre and within the Sadberge Conservation Area. Residential properties on Laurel Terrace are located to the south west of the site.

The Design, Access and Planning Statement submitted with the application states that the site has been used by local residents as garden amenity space (at the goodwill of the owner) and that prior to this the land was unused waste land in need of attention. There is currently a brick built retaining wall in place due to the changes in ground level.

Planning permission is sought for a terrace of three dwellings (each having 2 bedrooms) along with garden areas, and parking for six cars.

There is a relatively significant change in levels on the site. The proposal is to accommodate this by a new retaining wall to the rear of the site and to lower the level next to Stockton Road

**PLANNING HISTORY**

On 23 July 2004 planning permission was GRANTED for the erection of a dwelling house (Ref: 04/00184/FUL).

Planning permission was also GRANTED on 4 June 2010 for a revised scheme for a dwelling house (Ref: 10/00187/FUL).

Both these permissions have now lapsed.

## **PLANNING POLICY BACKGROUND**

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Council’s Design of New Development Supplementary Planning Document 2011 is relevant.

The National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance are also relevant.

The Council’s Interim Planning Position Statement (April 2016) which provides local guidance on the Council’s current position regarding planning for key matters. This is not a statement of policy, but sets out some planning principles based on local evidence.

Guidance from Historic England regarding ‘Making Changes to Heritage Assets’ has also been considered.

## **RESULTS OF CONSULTATION AND PUBLICITY**

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

**Two** objection letters have been received and the main points raised are summarised below:

- *There would be overlooking issues.*

- *The vehicular access is in a dangerous position.*
- *The site has been used as a community garden.*

The following points that are not material planning considerations were made:

- *There are already houses for sale in the village.*

**Sadberge Parish Council** objected to the application raising the following points:

- *The proposed development is outside the Sadberge limits to development, and development should not be permitted in this location.*
- *This is not a sustainable location for new residential development. As is highlighted Table 3 in Section 7 of Darlington Borough Council's Interim Planning Position Statement (April 2016), Sadberge has no primary school, a very limited bus service (3 journeys per week), no railway service, no local or district centre within 2 kilometres, no shop or post office within 1 kilometre and no GP surgery with 1 kilometre.*
- *The proposed access arrangements are a major concern. The western access is directly opposite the delivery point for The Tuns at Sadberge. More seriously, the eastern access point is on a bend on Stockton Road, directly opposite its junction with Norton Road. This is already a dangerous junction. Vehicles travelling west-to-east through the village often bear left at this junction at high speed. Also, drivers coming in to Sadberge on Norton Road and turning right towards the centre of the village sometimes pull out onto Stockton Road on the assumption that vehicles approaching from their right are going to bear left on to Norton Road. The Parish Council believes that allowing the development as proposed would create a very dangerous situation at the junction between Stockton Road and Norton Road.*
- *There are not enough parking spaces. There is only a limited bus service to Sadberge (3 journeys per week, all on a Monday), and each of the three households would almost certainly own two cars. The proposed development does not include sufficient parking spaces for these cars, and there are already problems with on-street parking in this part of the village.*
- *There are already concerns about subsidence along Laurel Terrace, and the excavation work involved in constructing the proposed new houses might lead to damage to the existing properties on Laurel Terrace.*

The **Highways Engineer** raised no objections since the application has been amended to only have one access and to increase the parking to six spaces.

The **Conservation Officer** considers that the scheme would not preserve or enhance the character or appearance of the Conservation Area, nor would it make a positive contribute to the significance of the Conservation Area.

The **Environmental Health Officer** raised no objections.

The **Archaeology Officer** raised no objections subject to conditions.

**Northern Gas Network** has raised no objections.

**Northumbrian Water has** raised no objection subject to a condition regarding foul and surface water drainage.

## **PLANNING ISSUES**

The main issues to be taken into consideration in the determination of this planning application are:

- Principle of development
- Character and appearance
- Heritage assets
- Ecology
- Trees
- Residential Amenity
- Highways Matters

### **Principle of development**

The site is mostly located outside of the development limits as set out in the Local Plan (a small area towards the western part of the site is within development limits). Policy E2 of the Local Plan states that most new development will be located inside the development limits defined by the Proposals Map. 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 NPPF includes a requirement for local planning authorities to significantly boost the supply and delivery of housing. It also requires authorities to assess the projected scale and delivery of housing from windfall and small sites.

The Council cannot currently demonstrate a five year supply of suitable, available and deliverable housing land and consequently planning policies relating to the supply of housing land and those that prevent development adjacent to existing settlements in the adopted development plan (parts of Policies CS1 & CS10 of the Core Strategy and parts of saved Local Plan Policies E2 & H7) cannot be considered up to date.

In these circumstances, applications for planning permission for residential development in all areas of the Borough should be considered with regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Saved Local Plan policies and surviving Core Strategy policies continue to be relevant to determining site specific issues and whether a development can be considered 'sustainable'. These are considered in more detail below.

Planning permission was granted for development of a single dwelling on the site in 2004 and then again in 2010. The approval was for a relatively large detached house of a contemporary design with a footprint comparable to the proposed row of three properties subject of the current application.

## **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.

The site is closely related to existing buildings and will not harm the character and appearance of the countryside. The scale, form and massing of the proposed building is considered to be acceptable taking into consideration the scale, form and massing of nearby buildings within the street scene. In order to demonstrate the impact of the proposal, in terms particularly of the scale of the buildings, the applicant has included a plan to show the proposal in its context.

The design of the proposal has been amended, having regard to the Design of New Development SPD, to feature staggered building lines, a part render part brick finish, chimneys and lintels over the windows. This would be in keeping with the character of the area and would reflect simple detailing of the neighbouring properties but in a modest and contemporary manner, retaining some of the existing openness afforded by the site, to the east and west. In addition, parking would be situated to the western edge of the site.

## **Heritage Assets**

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will, amongst other things, be protected by protecting and enhancing the separation and intrinsic qualities of the openness between settlements.

This is in general accord with the core planning principles of the NPPF as they relate to conserving heritage assets in a manner appropriate to their significance, contributing to conserving and enhancing the natural environment and seeking high quality design.

As this proposal is situated with the Sadberge Conservation Area, and within close proximity to a Grade II Listed Building, the development must be considered against paragraph 131-134 of the NPPF in terms of its impact on the significance of designated heritage assets.

This recommendation must also be mindful of the requirements to have special regard to the desirability of preserving the setting of a listed building and the desirability of preserving or enhancing the character or appearance of the conservation area, as set out in statute. The consideration of this issue goes to the heart of the decision making process. Notwithstanding the fact that the Council cannot demonstrate a five year supply of housing sites, an assessment of the impact of the development on heritage assets must be the first consideration.

Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as listed buildings and conservation areas) and states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness.

The framework goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Paragraph 133 sets out the requirement to consider whether a proposed development will lead to substantial harm, or total loss of a designated heritage asset, in which case planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed, as a separate exercise, against the public benefits of the proposal, including securing its optimum viable use. This report shall consider each designated heritage asset below:

### **‘The Tuns at Sadberge’ Public House**

The site is situated to the south east of the flank (at a distance of some 26metres) of The Tuns at Sadberge Public House, which fronts onto Hillhouse Lane, running north through the village. The site does not contribute to the setting of this Grade II Listed Building and is of sufficient distance, [the other side of the road] of such a scale and design, and set back to the extent that the development as proposed, would not lead to harm to its setting. Similarly, the Council’s Conservation Officer has not raised any objection to the proposal in the context of its impact on the setting of this Grade II listed building.

### **Sadberge Conservation Area**

Sadberge Conservation Area is not subject to any adopted Character Appraisal. The original designation, adopted in 1971 indicates that new development, which will be ‘extremely limited’, will be controlled to ensure that it accords with the special architectural and visual qualities of Sadberge.

The style of the traditional buildings and groupings in the conservation area originates largely from the 18th Century with progressive modifications through the 19th and 20th Centuries. A variety of building types exist with many under pitched tile, slate and pantile roofs with brick or colour wash rendered walls.

The application site sits towards the east of the conservation area. Laurel Terrace to the south is of mid to late 20th century origin whilst to the northeast a small number of late 20th Century houses are present, beyond which is later 20th century housing development that falls outside the conservation area. The site is located at a point of transition between mainly 20th century development and older historic fabric within the core of the conservation area. Development in close proximity to the highway affords the opportunity to create a gateway effect, at the edge of the historic part of the village.

The Council’s Conservation Officer has objected to the proposal on the basis that, in her opinion, the site in its current form, makes a positive contribution to the Sadberge Conservation Area, and that a key part of the significance of the Sadberge Conservation Area is the amount and spacing of open land. In addition, the Conservation Officer considers that the proposal would be unacceptable due to the scale of the proposal, the nature of the site, and its design.

The original designation refers to the green, the earthworks and the historic areas around the Church, which have considerable visual merit. Whilst this is not an exhaustive list, and in terms of Conservation Areas, the whole is greater than the sum of the parts, this refers to the core of the village, and the variety of green spaces that provide its village feel, but also any other open land necessary to safeguard the appearance of a ridge village in the landscape.

On assessing the character and appearance of the conservation area, it is considered that this is still representative of its main character and was so when the principle of development on the site was established in 2010. It is not considered that the loss of this site as an open space would erode the appearance of a ridge village in the landscape, as views of the site from outside of the village are limited due to the position of existing buildings. The concerns of the Council's Conservation Officer and the comments of local residents have been considered in detail; it is not considered that this site forms an integral or important feature of the conservation area; however, it contributes to its setting.

However, residential developments also forms part of the organic character of the conservation area and in that sense, the proposal as built would not be an alien feature within this part of the Conservation area, or at odds with its historical, aesthetic and communal values, particularly due to the amendments made to the design and the modest scale of the proposals. In addition, the proposal would sit within a peripheral area of the historic built area of the village and retain an element of openness through the layout of the site. This would be further enhanced through careful control of external construction materials and an appropriate landscaping scheme.

In this overall context, it is considered that the proposal would sustain the significance of the Sadberge Conservation Area. Any harm identified through the application process would fall within the category of 'less than substantial harm' and this has been successfully mitigated through amendments to the submitted scheme, and as a result, the development would not detract from the conservation area or the ability to appreciate it. Therefore whilst the contribution of the site to the setting of the conservation area has been given significant weight, it is considered that the above, together with the contribution that the proposal will make to the five-year supply of housing sites, outweighs any impacts identified.

### **Archaeology**

The development is close to the historic core of Sadberge, and appears to have been undeveloped since the first edition Ordnance Survey Map. There is a potential archaeological interest in the site, as it may contain remains of earlier activity on the site. The County Archaeology Officer has been consulted and has raised no objections to the proposed development subject to planning conditions to secure pre-development archaeological work and recording, in line with an approved scheme of investigation.

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

An Ecological Appraisal has been submitted with the application. This concludes that with recommended mitigation the proposals can proceed with no significant adverse effect on notable species and/or habitats. It is also advised that the proposal provides an opportunity for ecological benefit through the provision of bat and bird nest boxes and planting that is of value to local wildlife, contributing to local and national conservation targets. A condition is recommended to ensure that the works only take place in accordance with the recommendations of the Ecological Appraisal.

### **Trees**

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site. A Tree Survey was submitted with the application but no landscaping plan to show which trees would be retained has been provided.

There are three small semi-mature trees within the site. This is two sycamore trees and one ash tree. These trees would be removed to allow for the development but replacement tree planting is proposed. A condition is recommended to ensure that details of a landscaping scheme should be submitted and approved prior to the commencement of the development.

### **Residential Amenity**

The Council's Design of New Development Supplementary Planning Document states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms. The Supplementary Planning Document also states that there should be 12.5m from elevations with habitable rooms facing blank elevations.

There would be over 14m from the rear elevation of the nearest property on Laurel Terrace to the blank side elevation of the proposed terrace. There would be over 27m from the front elevation of the terrace to the nearest property to the north. There are no properties immediately to the south of the site. Overall, 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.

Due to the modest size of the dwellings and the compact nature of the site, as well as their location within the Conservation area, it is recommended that permitted development rights are removed by planning condition, requiring extensions and alterations to be approved by the local planning authority.

### **Highways Matters**

The accident records have been reviewed for this area and there are no recorded accidents within the previous 5 years data in proximity to the new access points. The Tees Valley Design Guidance states that two in curtilage spaces should be provided for dwellings of this size. The application was amended and now provides six parking spaces off a shared drive.



Given the level difference into the site, cut off drains should be provided across the vehicle access point whereby surface water from the site does not flow onto the adopted highway and these details have been provided for on the amended plans.

### **Other matters**

One of the grounds of objection raised by the Parish Council states that there are already concerns regarding subsidence at Laurel Terrace, and that the works involved in the construction of the proposed dwellings, might lead to damage to the existing properties on Laurel Terrace.

Guidance on land stability and subsidence is contained within the NPPG (National Planning Policy Guidance). This details the steps that a planning authority should follow where they expect land stability is an issue. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.

In the case of the application site, there is no evidence from objectors or from the submission to suggest that land stability issues are present in the area or likely as a result of the proposed development. Therefore, in this instance, this is an engineering and Building Control issue and the responsibility of assessment, as well as investigation of ground conditions, and the design and execution of any remedial or precautionary measures rests with the developer.

Northumbrian Water has been consulted on the application and has raised no objections to the proposed development, however has requested a planning condition requiring submission and approval of a detailed scheme for the disposal of foul and surface water from the development.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

### **CONCLUSION**

The site is located to the east of Sadberge Village Centre and within the Sadberge Conservation Area. Residential properties on Laurel Terrace are located to the south west of the site. Planning permission has previously been granted for a large house on the site but this permission has now lapsed. The site is mostly located outside of the development limits as set out in the Local Plan and needs to be considered in relation to the National Planning Policy Framework.

The impact on the historic environment is a significant factor to be taken into account. The design of the proposal feature staggered building lines, a part render part brick finish, chimneys and lintels over the windows. This would be more in keeping with the character of the conservation area and would reflect simple detailing of the neighbouring properties but in a contemporary manner. Overall, the proposal is considered to sustain the significance of designated heritage assets.

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 has been amended to provide six parking spaces and to only have one access point and is acceptable in relation to highway safety.

Conditions are required in relation to archaeological work, ecology and landscaping.

The above issues have been considered in the context of the sites Conservation Area location and the lack of a five-year supply of suitable, available and deliverable housing land, and in the face of a requirement for local authorities to significantly boost the supply and delivery of housing. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

## **RECOMMENDATION**

It is recommended that planning permission be granted subject to conditions.

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. E2 Landscaping (Submission)
5. E5 Boundary Treatment (Submission)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order [2015] (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

7. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Preliminary Ecology Appraisal (E3 Ecology Ltd) (May 2106).

REASON – in the interests of ecology.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved

in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii; Post-fieldwork methodologies for assessment and analyses.
  - iv; Report content and arrangements for dissemination, and publication proposals.
  - v; Archive preparation and deposition with recognised repositories.
  - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

REASON – To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

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

REASON – To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

#### **INFORMATIVE:**

- 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.

- In the event that development proposals include the importation of fill material or topsoil on to the site you are advised to contact the Environmental Health team for further advice. In any event all imported materials should be sampled and analysed in accordance with YAHPAC (2014) guidelines to demonstrate that they are suitable for the proposed use and do not cause or contribute to the creation or proliferation of contaminated land.