

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

**COMMITTEE DATE: 4 May 2016**

**APPLICATION REF. NO: 15/01223/FUL**

**STATUTORY DECISION DATE: 11 May 2016**

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

**LOCATION: Field At OSGR E434495 N513028  
Middleton Lane  
MIDDLETON ST GEORGE  
DARLINGTON**

**DESCRIPTION: Residential development comprising 27 No dwellings**

**APPLICANT: Stonegrave Aggregates Ltd**

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**This application could have been determined by Officers under delegated powers. Given the public interest in the application and the recent number of planning applications for housing developments in the Middleton St George Area, it was considered appropriate in this instance for the application to be referred to the Planning Applications Committee.**

**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of twenty-seven dwellings.

The site is approximately 2.5 hectares and is located to the west of Middleton Lane. The site is bounded to the west by Neasham Road and a public footpath. To the north the site is bounded by properties on Westacres, Felix House Surgery and No. 74 Middleton Lane. To the south there are agricultural fields and No. 72 Middleton Lane. The site is currently open fields and is largely enclosed by trees. There is also an area of trees located towards the north eastern part of the site.

The proposal shows a new access taken off Middleton Road which leads to a cul-de-sac providing access for nineteen properties. Two properties would be accessed via a shared drive also taken from Middleton Lane and six houses would be accessed from Neasham Road.

The proposal would provide:

- 6 – two bedroom bungalows
- 12 – four bedroom detached houses
- 9 – five bedroom detached houses

It is proposed that the development will provide six affordable housing bungalows.

## 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
- E13 – Tree Preservation Orders
- 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
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Council’s Design of New Development Supplementary Planning Document 2011, Planning Obligations Supplementary Planning Document 2013 and Middleton One Row Conservation Area Character Appraisal (2010) are relevant.

The National Planning Policy Framework (NPPF) 2012 is relevant.

## RESULTS OF CONSULTATION AND PUBLICITY

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

**Local Objections** representing **67** contributors have been received and the main points raised are summarised below:

- *There would be a loss of green spaces with impacts on the character of the area.*
- *The site provides a buffer between Middleton St Gorge and Middleton One Row.*
- *The proposal would be harmful to Middleton One Row Conservation Area.*
- *The site is outside of development limits as identified in the Borough of Darlington Local Plan 1997.*
- *There are already housing developments proposed for Middleton St George.*
- *There are already properties for sale in Middleton St George.*
- *The need for this type of dwelling has been questioned.*

- *There is a lack of school places.*
- *The doctor's surgery is already very busy.*
- *There would be a loss of privacy to existing neighbouring properties.*
- *There would be an impact on light.*
- *There would be an impact on highway safety with increased traffic and with the additional junctions.*
- *There would be an impact on ecology – the site is well used by wildlife including owls and bats.*
- *The site forms a wildflower meadow which should be protected.*
- *The proposal would increase flood risk.*
- *Local sewers may not be able to cope with the proposal.*

An objection was received from **Councillor Doris Jones, Councillor Steve York and Councillor Brian Jones**. This is set out below in full:

- *The above application proposes a further 29 residential units. If approved, this application would only add insult to injury to those who already feel that they either do not have a voice, or else that no-one is listening. It would also indicate that the planning system is becoming dysfunctional and that the presumption in favour of sustainable development being promoted by the National Planning Policy Framework merely constitutes only hollow rhetoric.*
- *The current application seeks to address site specific issues to demonstrate the argument that the immediate impact of the development will not result in any significant demonstrable harm. However, we as ward councillors, and representatives of the community feel that a bigger issue at stake is the principle of further major residential development in Middleton St George, which will irrevocably alter the character of the settlement in perpetuity. Therefore, we wish to make objection to the proposed development on the following grounds;*
- *The cumulative effect of the Gladman and High stell approvals and then this proposal, if approved, threatens to transform Middleton St George into a town; a town which has only a limited range of shops, facilities, services, amenities and employment opportunities and which will certainly struggle to cope with the sudden and large scale increase in size of the settlement, which would only be accentuated if permission is granted on the Middleton Lane site.*
- *Middleton St George has grown exponentially over the last 15 years, mainly as a result of planning permissions on 'brownfield' land.. New development is proposed mainly on Greenfield sites because there is little or no Brownfield land left in Middleton St George (although there is plenty in the wider Borough of Darlington).*
- *The cumulative effect of any more large scale development would dwarf the settlement and will not be sustainable. The current application as well as the outline approval at High Stell should logically be resisted as they would further swamp the local housing market and overload inadequate local services.*
- *The size and number of additional new houses would swamp the local housing market at this point in time and the houses built would be for commuters, because the village has limited employment opportunities and services. In our opinion, this would not be sustainable development*
- *The Borough Council provided inaccurate and erroneous evidence to the Inspector at the Gladman Public Inquiry about the capacity of the village school to accommodate new pupils and is trying to correct this by offering to expand the primary school by an additional 105 places with a small extension. We feel strongly that this is not in the best*

*interest of the children who will be made to attend and will also encroach on the quality of life for the children already attending the school.*

- *The children's outdoor recreation area and sports field cannot be increased in size resulting in 105 more pupils being condensed into the same undersized area already existing. Furthermore as priority will be given to those children living closest to the school will be given admission priority will do nothing to help those children who already live in Middleton St George.*
- *The traffic situation particularly on the bend of Neasham Road and Middleton Lane is gridlocked every day with school traffic and parking. Darlington Highways have tried in the past to address this by building chicanes on the road approaching the school entrance, only to have to remove them (at great expense) because any calming traffic measures on this corner only served to exasperate the congestion.*
- *The Local Planning Authority will also be aware of the raw anger being expressed in the community following the outcome of the Gladman and High Stell applications.*
- *For all of the above reasons we believe this application goes against the best interest of good planning for Middleton St George and for these reasons we strongly object.*

An objection letter was received from a planning consultant on behalf of **Middleton St George Parish Council**. This was a lengthy objection which can be summarised as follows:

- *The presumption in favour of "sustainable development" being promoted by the National Planning Policy Framework merely constitutes only hollow rhetoric in view of the fact that Darlington Borough Council has not been able to demonstrate a satisfactory Objectively Assessed Housing Needs Assessment*
- *The site is within Middleton One Row Conservation Area and constitutes a valuable and highly prized greenspace between the settlements of Middleton One Row and Middleton St George*
- *Although the applicant has produced a Heritage Statement which indicates that no significant heritage has been found in proximity to the site, apart from ridge and furrow cultivation, we cannot see that a Landscape and Visual Assessment has been submitted to support the application. This may well have shown that the merger of the settlements would be detrimental to the quality and character of the local landscape within a Conservation Area.*
- *There are concerns about the layout and design of the proposed units, with a cul-de-sac style of urban form.*
- *There are concerns about a further access on to Middleton Lane and potential for increases in traffic on a road which leads to a bottleneck on the railway bridge to the north, especially during school pick-up and drop-off times.*
- *There is no secondary school in the village and the primary school is already at capacity.*

The **Campaign to Protect Rural England** objected to the application and made the following points:

- *This site is an important remaining gap between Middleton St George and Middleton One Row and building it out will result in an urban feel when going along Middleton Lane.*

- *The development will be a further overdevelopment of the village. We believe the views of the villagers should be taken full account of. People now feel they are being excluded from the Planning System, not involved in it as mentioned in the Foreword to the NPPF.*
- *5 year housing supply (including 5% or 20% buffer): CPRE does not have the expertise to say whether or not Darlington does have a 5 year housing supply as mentioned in paragraph 47 of the NPPF. We do of course accept that if a 5 year supply cannot be demonstrated, that is a material consideration. However, we represent that, even if a 5 year supply cannot be demonstrated, that does not mean that any housing application must be approved. We draw attention to the case of Crane v Secretary of State for Communities and Local Government [2015] EWHC 425 (Admin) where the judge said at paragraph 66:*

*“It is not suggested, nor could it be, that the Secretary of State neglected or misunderstood the imperative in paragraph 47 of the NPPF "to boost significantly the supply of housing" (see City and District Council of St Albans v Hunston and Secretary of State for Communities and Local Government [2013] Darlington District Mrs Gillan Gibson 13 Fenwicks Street Boldon Colliery Tyne and Wear NE35 9HU Telephone 0191 537 1712 gillan\_gibson@yahoo.co.uk www.cpredurham.org.uk Working for a beautiful and living countryside Patron Her Majesty The Queen President Sir Andrew Motion Chief Executive Shaun Spiers Registered charity number 1089685 EWCA Civ 1610, and Gallagher Homes v Solihull Metropolitan Borough Council [2014] EWCA Civ 1610), or that he failed to identify the "[relevant] policies for the supply of housing" within the meaning of paragraph 49 (see the judgment of Ouseley J. in South Northamptonshire Council, at paragraphs 45 to 48). Like the inspector, he found that the council could not show a five-year supply of housing land (paragraph 12 of the decision letter). Applying the policy in paragraph 49 of the NPPF, he concluded that the development plan policies for the supply of housing, including those in the neighbourhood plan, were out of date, and that the presumption in paragraph 14 of the NPPF therefore applied (paragraph 14). But in his view that presumption was outweighed, for the first of the two alternative reasons identified in paragraph 14 – because "the adverse impacts of the appeal proposal, especially in terms of the conflict with the Broughton Astley Neighbourhood Plan, would significantly and demonstrably outweigh the benefits in terms of increasing housing supply" (paragraph 26).”*

- *We also note that, in the Hunston case mentioned above, the judge specifically criticised any notion that a Council only had itself to blame if it did not have an up to date local plan in place. He commented at paragraph 31 that it is the community that suffers from bad planning decisions, not just the council and its officers.*
- *In this case, we note that there is a Neighbourhood Plan in preparation. We also believe there are other material considerations that weigh against this proposed development. We represent that, even if there is not a 5 year supply of housing land in Darlington, these factors outweigh that matter and call for this application to be refused permission.*
- *The development would be an inappropriate in the conservation area.*
- *The site is outside the development limit of the settlement.*

- *The site is a valued wild flower meadow, a landscape which may well fall within the first bullet point of paragraph 109 of the NPPF.*
- *Middleton Lane already has problems dealing with traffic and this would add to it.*
- *The local medical and educational services are unable to cater for existing residents, there are already a number of approvals for housing in the village which will make the situation worse and the building of these 27 dwellings would exacerbate the situation.*

The **Highways Engineer** advised that:

- *Visibility splays will be required.*
- *It is not ideal to have two accesses onto Middleton Lane.*
- *Parking could be provide on council land next to Neasham Road to remove the need for parking on the main carriageway.*
- *Based on similar developments in the area it can be expected that this size of development would generate in the order of 20 two way trips in the am and pm peak hours which would equate to an average of 1 vehicle every 3 minutes during the peak hour which would not be classed as a severe impact therefore it would be difficult to refuse on traffic generation grounds.*
- *Bus services 12/12A operates along Middleton Lane every 30 mins Mon - Sat and 60 mins on Sundays with the last bus around 8pm.*
- *Car parking across the site generally accords with the parking levels set out in the Tees Valley Design Guidance with the exception of a small number of plots which should be reviewed.*
- *The internal access roads should be designed to adoptable standards.*
- *Vehicle swept path analysis should be undertaken to support the movement framework for emergency vehicles, refuse vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals.*
- *The access roads should be subject to a 20mph speed limit with suitable traffic calming features employed to reduce vehicle speeds.*
- *A condition for a construction management plan would be required.*
- *An appropriate street lighting scheme would be needed.*
- *Details of bin storage would be required.*
- *Details of the new footway along Middleton Lane would be needed.*

The **Environmental Health Team** advised that a Phase 1 contamination risk assessment should be submitted and that conditions for a construction management plan and construction hours would be required.

The **Lead Local Flood Authority** advised that the flood risk assessment is unsatisfactory. Existing surface water runoff rates, total impermeable area, proposed discharge rate and proposed storage volumes were not provided.

The **Conservation Officer** recommend the application be refused due to the impact on Middleton One Row Conservation Area.

The **Rights of Way Officer** raised concerns regarding the impact of the access from Neasham Road on the public footpath.

The **Archaeology Officer** raised no objections but advised that as per the written scheme of investigation, the contractor needs to submit a hard copy and PDF version of the Trial trenching report to the Historic Environment Record, which they have not yet done.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Heritage Assets
- Ecology
- Trees
- Residential Amenity
- Highways Matters
- Flood Risk / Drainage
- Air Quality
- Renewable Energy
- Planning Obligations

### Planning Policy

The NPPF supports planning being plan led, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. However, where the development plan is absent, silent or relevant policies are out of date, 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.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. Local Plan policies for the supply of housing (parts of Core Strategy policies CS1 CS10, and Local Plan policies E2 and H7) should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. This 5 year supply should be measured against a housing requirement based on an up to date, objectively assessed need.

At present, Darlington cannot demonstrate a five year supply of deliverable housing sites because we do not have an up to date housing requirement based on an objectively assessed housing need against which supply could be measured. The Strategic Housing Market Assessment published in October 2015 indicated that 9,900 dwellings will be required over 2016 to 2036, an average of 496 dwellings per year. Next, this will be converted to housing requirement figure, including a buffer for choice and competition, which will be planned for in the emerging Local Plan.

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 NPPF. 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.

In terms of what can be considered a sustainable development the NPPF advises that this consists of three key dimensions, an environmental role, a social role and an economic role. 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.

### Heritage Assets

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 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. Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as conservation areas) and states that Local Planning Authorities should take account of sustaining and enhancing heritage assets and that new development should make a positive contribution to local character and distinctiveness.

The eastern part of the site is located within Middleton One Row Conservation Area. The western part of the site is still important insofar as it immediately adjoins the Conservation Area and provides part of its setting.

The site subject to this application is paddock and agricultural land. The site is adjacent to Middleton Lane which is the main route linking Middleton St George and Middleton One Row.

Middleton One Row Conservation Area is designated for its high quality, intact rural qualities. Greenspace is a key feature, as is the River Tees. Historic development is primarily in the form of Georgian and Victorian residential and villa development, but also includes a Medieval Tower Motte Castle Scheduled Monument and a Victorian church, by local architect J.P. Pritchett (junior).

The older elements of Middleton One Row began around the now demolished Pountey's Bridge across the River Tees and the Norman Motte, a Scheduled Monument, off Church Lane. Development continued along The Front with elegant Georgian properties and their commanding view over village green, the River Tees and onto North Yorkshire countryside. Victorian development spread north along Middleton Lane (primarily in villa form) but there remains separation between it and the Victorian development (primarily in terraced form) that spread south from the current village of Middleton St George, related to the railways.

This application proposed the construction of 27 detached dwellings on two combined sites, currently in use as paddock and agricultural land. The combined site includes land both within, and outwith the Conservation Area. The main access to the development would be from Middleton Lane, within the Conservation Area, with a second from Neasham Road.



In accordance with paragraph 128 of the National Planning Policy Framework, this application is required to include an assessment of the significance of heritage assets, specifically the Middleton One Row Conservation Area, making use of the adopted Character Appraisal (adopted November 2010) and assess the impact of the proposal on that significance.

A Heritage Statement has been submitted in accordance with the NPPF guidance. It addresses the heritage assets within the area and the applicant's assessment of the impacts the residential development would have on these assets.

The Heritage Statement sets out that the site is not in close proximity to any statutorily protected assets, specifically the Scheduled Monument and listed buildings to harm these heritage assets. Also although the sites west boundary is close to the route of the Roman Road, it would not encroach upon it. In respect of these heritage assets, it is considered that the impact would be neutral and no harm would be caused.

The site is located within a Conservation Area and therefore the impact of the development on this heritage asset is another main consideration of the Heritage Statement. The Statement refers to the distinct character areas evident in the Conservation Area. This site falls within a section of the Conservation Area, described in the Heritage Statement as the 'centre' that is characterised as a distinct green gap between the settlements of Middleton One Row and Middleton St George, with the green space provided by arable land, the extensive private gardens of larger properties and mature trees.

The eastern section of the application site is one of the sites within the Conservation Area characterised as 'green space,' separating the two settlements, with the existing trees and shrubbery playing an important part in this green separation. Middleton Lane also includes detached and semi-detached houses in large plots. Those around and adjoining the application site include Inverary House and Felix House.

The Heritage Statement states that the proposed development would have an impact, due to the fact that some of this land would be changed from green 'open' space to green space within large gardens.

The Heritage Statement argues that the Middleton St George limit of development is defined by the south boundary of Pinetree Grove (to the east of Middleton Lane). The proposed development would deliver built form to the same extent, but to the west of the Lane, therefore retaining open space (fields) to the south of the application site as a gap between the two settlements. Officers do not agree or support this justification.

The Character Appraisal map clearly defines the role of the open fields / arable land, to both the east and west of Middleton Lane, as green space which provides a physical and visual gap between the two settlements when viewed from Middleton Lane, therefore adding to the character of the Conservation Area. The land referred to, south of the development site, is outwith the Conservation Area and also concealed behind the residential plots which front onto Middleton Lane.

The Heritage Statement correctly states that the green space is enhanced by extensive tree coverage, most notably to the boundaries to the roads, fields and properties. It is proposed to retain some of this mature landscaping with enhancement in areas. Also the traditional boundary treatment to Inverary House, on the south boundary, would not be affected.

However, the development proposes to erect a brick wall with railings along the length of Middleton Lane, thereby removing all hedgerows and rural vegetation along the Middleton Lane boundary, this would further impact on openness of the site regardless of the size of the dwellings and plots incorporating garden space.

The development is further justified as delivering modern versions of the traditional villas in large grounds characteristic of the area. In addition to making a significant contribution to Middleton St George, by bringing coherence, to and adding character of the edge of the Conservation Area. It is argued that previous modern development has had a dislocating affect, an example of Westacres, semi-detached houses with small gardens to the north west of the application site is given.

The design and layout of the development has no frontage to Middleton Lane, with all dwellings facing onto an internal cul- de- sac. The cul-de-sac form of residential proposed is harmful considering most development in the locality, but most specifically all traditional or historic development, which contributes positively to the significance of the Conservation Area, has street frontage. The Appraisal identifies the existing cul-de-sac developments within the Conservation Area as a negative factor.

The Heritage Statement concludes that overall the important characteristics of the Conservation Area are retained, with the development designed to lift the quality of Middleton St George and enhance special characteristics. It concludes that as many of the important aspects of the setting of the Conservation Area will be unchanged, the magnitude of the impact is considered to be 'minor' and the overall effect on the Conservation Area is considered to be 'slightly positive'.

However, in contrast Officers consider the impact on the Conservation Area to be harmful not positive. The entire site has been identified in the adopted Character Appraisal as a valuable green gap to be protected from development. It is also outside development limits. This site is not considered to be a development site because its current open nature and agricultural use retains a clear physical and visual separation between the villages of Middleton St George and Middleton One. Its open nature retains views from, and through the Conservation Area into the wider countryside from Middleton Lane. There is a clear line running east-west from Middleton Lane to where Neasham Road sharply curves westwards that marks the extent of the modern additions to Middleton St George. Development on this site would remove that distinction and blur the two villages. The key views into the open green space, on both sites along the length of Middleton Lane which is primarily straight, would be destroyed here.

The Character Appraisal clearly states that the 'quality and quantity of green space within, and adjacent to the Conservation Area is vital to the character of the area' and refers to the landscape setting as a major positive feature.

It is considered that the entire application site, both inside and outside of the boundary, falls within this statement and that as open countryside and green space with mature tree cover it is prominent feature of the Conservation Area. Development of this site, regardless of the incorporation of garden space into the plots and landscaping, would led to the total loss of this character, causing substantial harm to the significance of Middleton One Row Conservation Area, contrary to paragraph 133 of the NPPF.

An Archaeological Evaluation was submitted with the application and this provided details of a geophysical survey and desk-based assessment. The Evaluation concludes that no further scheme of archaeological works is recommended in relation to this development.

A geophysical Survey and Trial trenching evaluation of the site have been carried out based on a Written Scheme of Investigation agreed with the County Archaeologist. The trial trenching confirmed that the geophysical survey had identified Ridge and Furrow remains and no other archaeological features were encountered.

### 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 advises that assessment of the survey results suggest that the site is of local value for the habitats it supports, primarily semi-improved grassland with managed hawthorn dominated hedgerows and semi-mature to mature trees at the northern field boundary.

The Ecological Appraisal advises that there are two trees on site are considered to have high potential to support roosting bats. However, aerial tree survey recorded no evidence of a roost but did record evidence of nesting birds within cavities in both trees. Survey work recorded low level common and soprano pipistrelle activity within the site. Bats were recorded foraging and commuting along the northern and eastern site boundaries and foraging within the small field to the north.

The site has potential to support hedgerow and tree nesting species, potentially including farmland bird species, which are a suite of species that have seen significant declines nationally. The Ecological Appraisal advises that the site also has potential to support ground nesting species and that aerial tree survey recorded evidence of an owl nesting in a tree in the centre of the site, most likely tawny owl and of a potential woodpigeon nest on the southern site boundary.

The Ecological Appraisal sets out that the risk of great crested newts from local ponds being present on site is considered as being low.

## Trees

Part of the site is located in a Conservation Area. None of the trees on site area covered by a Tree Preservation Order.

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. The proposal would result in the loss of trees which contribute to the character of the area.

## 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.

The plans show mostly gable elevations on the proposed houses as the closets parts to existing neighbouring houses. There would be some 17m from the rear elevation of No. 21 Westacres to the side elevation of the proposed neighbouring bungalow. This bungalow would have a small secondary kitchen window in the side elevation. There would be some 12 m from the rear of No. 19 Westacres to a proposed detached garage. There would be some 8m from No. 16 Westacres to the nearest proposed detached garage (Plot 11). This would result in an overbearing form of development harmful to light and outlook. There would be some 30m from the side elevation of No. 74 Middleton Lane to the rear elevation of the nearest proposed house. There would be some 18m from the side elevation on No. 72 Middleton Lane to the side elevation of the nearest proposed house.

## Highways Matters

The majority of the site is shown to be served off a new access onto Middleton Lane within the 30mph speed limit section of the highway. Visibility splays have been provided according to the road speed equating to 2.4x43m, however check speed surveys were recently carried out on Middleton Lane and showed 85th percentile speeds of around 36mph. Visibility splays at the access of 2.4m x 59m should therefore be achieved in the design by the removal of hedgerow and replanting and should be demonstrated on the plan. This can be covered by a condition.

A new access has been proposed off Neasham Road to serve a limited number of properties and during initial discussions it was stated that on road parking occurs on the corner of Neasham Road in the vicinity of the new junction that restricts visibility for oncoming motorists. As a solution it was suggested that parking bays could be constructed on the Council owned land that would provide some parking for local residents that removed the need for them to park on the main carriageway and would mitigate the impact of the access junction, however this appears to have been omitted from that submitted plans and would be a valued addition.

Bus services 12/12A operates along Middleton Lane every 30 mins Mon - Sat and 60 mins on Sundays with the last bus around 8pm. Bus stops are located to the northern end of the development site with less than ideal pedestrian linkages. As part of the development a new

footway should be provided along the frontage of the site with suitable crossing facilities that would provide access to the bus stops. Bus stops should be relocated/upgraded to include a raised platform for disabled access and footways linking the stops be resurfaced and improved where necessary. Pedestrian crossing facilities should be provided across Middleton lane including drop kerbs and tactile paving to link the bus stops to the development site. This could be addressed by a condition.

A construction management plan has been submitted as part of the application although it states that a further traffic management plan will be submitted by the Contractor, therefore a condition should be attached to any permission to secure this.

Conditions would also be required for appropriate street lighting scheme, refuse storage details,

### Flood Risk / Drainage

The proposed development is in a Flood Zone 1

The EA's flood maps show a low risk of surface flooding in the south eastern corner of the site, also an area in the centre of the site, this should be taken into account when considering storage and finished floor levels of any properties.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

The applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development.

### Air Quality

Given the scale of the proposed development and the standard of the prevailing local air quality there is no need for an air quality assessment to accompany the application. Any impacts from the development on local air quality will be insignificant.

### Renewable Energy

Policy CS3 (Promoting Renewable Energy) of the Core Strategy states that all major developments of 10 or more dwellings should secure at least 10% of their energy supply from renewable and decentralised or low carbon sources. No details of this have been submitted with the application and therefore a condition in this regard would be necessary for any approval.

### Planning Obligations

The Council's Planning Obligations Supplementary Planning Document requires 20% of housing proposals to be affordable housing. The proposal includes six affordable dwellings on site to meet this requirement. The information submitted with the planning application advises that there have been discussions with North Star Housing Group who are interested in the six older, person's bungalows being delivered for affordable rent.

The remaining houses (numbering 21) in total would be four and five bedroom and would not be provided as affordable housing.

There would be a requirement for an education contribution of £64,155. This is based on the Planning Obligations Supplementary Planning Document (£3,055.00 x 21 houses). In order to enhance walking and cycling access, a sustainable transport contribution would be applied as set out in the Planning Obligations Supplementary Planning Document. This contribution would be used to enhance/maintain the walking and cycling routes in the vicinity of the development. Based on 21 houses, a contribution of £25,200 would be sought.

## **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**

For the reasons set out above the proposed development is considered to have an unacceptable negative impact on key environmental and social aspects of sustainable development and it is therefore being recommended that planning permission is refused in this case.

## **RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The proposal would be harmful to the character and significance of Middleton One Row Conservation Area by obscuring views of the surrounding countryside and removing an area of green space contributing to its character, appearance and significance. The application site helps maintain the setting of the Conservation Area and provides a visible link to the surrounding countryside which is integral to the area's character. The proposal does not sustain or enhance the Conservation Area nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary to the National Planning Policy Framework 2012 and with Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.
2. The applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development. The proposal is therefore contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy 2011 and the National Planning Policy Framework 2012.
3. There would be some 8m from No. 16 Westacres to the nearest proposed detached garage (Plot 11). This would result in an overbearing form of development harmful to light and outlook. The proposal is therefore contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.

