

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11th March 2009

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APPLICATION REF. NO:	08/01004/OUT
STATUTORY DECISION DATE:	3 April 2009
WARD/PARISH:	EASTBOURNE
LOCATION:	Field at OSGR E429931 N512826, Neasham Road, Darlington
DESCRIPTION:	Outline application for residential development (160 dwellings) (additional travel plan received 28 January 2009)
APPLICANT:	DARLINGTON FARMERS AUCTION MART

BACKGROUND TO THE APPLICATION

This is one of two outline planning applications submitted by Darlington Farmers Auction Mart in connection with their proposal to relocate the existing livestock market from its current site at Clifton Road to a site at Humbleton Farm, approximately 5 kilometres to the north west of Darlington town centre on the eastern side of the A68 at Burtree. The two applications are linked, and therefore fall to be considered together, on the basis that the capital receipt realised from the sale of the applicants land at Neasham Road for residential development, if planning permission is granted, would be directed towards the development costs associated with the Humbleton Farm proposal. Consequently the associated outline planning application for the erection of a livestock market, equine centre and ancillary uses at Humbleton Farm (08/01003/OUTE) is also on this agenda for consideration.

Although no application has been submitted at this stage, the applicants also propose that funds from the sale of the existing cattle market site on Clifton Road, which is owned by the Council, would also go towards development costs at Humbleton Farm. This matter forms a separate issue and is not for consideration as part of this scheme.

In accepting that both sites fall outside the limits to development, the applicants have submitted a business case to justify the proposed developments at both sites. Although the majority of information submitted relates to the proposed development at Humbleton Farm, it has nevertheless been submitted in support of both applications as the applicants consider the development at Neasham Road to be 'enabling development' to realise the development proposals at Humbleton Farm. The submitted information, which comprises a financial appraisal, a sequential assessment and a strategic options appraisal, which looks at other sites considered for the relocation of the livestock market, will be considered in detail in both reports.

Darlington's present cattle market moved from the streets of the town centre to the 1.8ha purpose-built site at Clifton Road in the late 1800s. One of the main advantages of the site apart from its (then generous) size was its proximity to the railway, which carried livestock in and out. Most of the surrounding area, however, was subsequently developed for high density terraced housing and as the preferred means of livestock transport increasingly switched to motor vehicles the market became less and less acceptable environmentally within the area.

There have been a number of moves to relocate the cattle market during the 1980s and 1990s, the most recent of which was an outline application for a livestock market building and two employees' dwellings together with parking and lairage on 12.4ha of land in DFAM's ownership at Holdforth Grange, Roundhill Road, just south of the A66 bypass. It was accompanied by an application for residential development on 18.2ha of land on the north side of the bypass, adjacent to Neasham Road. The proposals were called in for determination by the Secretary of State and, following a public inquiry and the recommendations of an Inspector, were refused in May 1993.

APPLICATION AND SITE DESCRIPTION

This is an outline planning application for the erection of 160 dwellings on land on the western side of Neasham Road, opposite Darlington Arena. Details of access have been submitted for consideration and while the application form states that landscaping is also a matter for consideration at the outline stage no such details have been submitted with the application. Other matters of appearance, layout and scale are reserved for consideration at a later stage.

The application site is roughly triangular in shape and extends to some 4.7 hectares of agricultural land. Neasham Road forms the eastern boundary of the site and a private access road serving a number of properties known as Railway Cottages forms the northern boundary. Snipe Lane runs in an east-west direction close to the southern tip of the site. Footpath 17 is coincident with Snipe Lane. The Darlington-Middlesbrough railway line runs in an east-west direction approximately 25 metres to the north of the site. The western boundary is formed by a sparse hedgerow, beyond which lies agricultural land. The A66(T) lies approximately 200 metres to the south of the site. A telecommunications mast and associated equipment is located on the eastern edge of the site, adjacent to Neasham Road.

The application proposes that the site would be accessed by the creation of a new vehicular access off Neasham Road, approximately 120 metres to the south of the existing entrance to the football stadium on the opposite side of Neasham Road. The submitted layout plan shows the proposed dwellings arranged around a main spine road through the site and a number of cul-de-sacs off this road. The Design and Access Statement confirms that dwellings will be 2 and 3 storeys in height. An element of affordable housing will be provided on the site. As the site lies within Eastbourne ward, in accordance with the Affordable Housing SPD, 15% of the houses provided on the site will be affordable.

The following information has been submitted with the application:

- Planning Statement
- Introductory Planning Report
- Flood Risk Assessment
- Design and Access Statement
- Ground Investigation Report Transport Assessment

- Great Crested Newt and Breeding Bird Survey
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Financial Appraisal
- Sequential Assessment
- Strategic Options Appraisal

PLANNING HISTORY

91/00121/MISC – Outline application for residential development and associated landscaping (approx. 17.8 hectares). WITHDRAWN 6.9.1991

91/00622/MISC – Residential development in outline at land adjacent to Neasham Road and A66. REFUSED 12.5.1993 by the Secretary of State who called-in the application.

03/00888/TC – Application for prior approval for the erection of a telecommunications mast. PLANNING PERMISSION NOT REQUIRED 30.9.2003

05/00037/FUL – Replacement of existing 15m high monopole with 22.7m high monopole with associated antennae. GRANTED 8.3.2005

PLANNING POLICY BACKGROUND

The following policies and strategies are relevant to consideration of the application:

Development Plan

The North East of England Plan – Regional Spatial Strategy to 2021

- 2 – Sustainable Development
- 4 – The Sequential Approach to Development
- 6 – Locational Strategy
- 7 – Connectivity and Accessibility
- 8 – Protecting and Enhancing the Environment
- 11 – Rural Areas
- 29 – Delivering and Managing Housing Supply
- 30 – Improving Inclusivity and Affordability
- 31 – Landscape Character
- 33 – Biodiversity and Geodiversity
- 35 – Flood Risk
- 36 – Trees, Woodland and Forests
- 37 – Air Quality
- 38 – Sustainable Construction
- 54 – Parking and Travel Plans
- 56 – Accessibility in Rural Areas

Borough of Darlington Local Plan (1997, with alterations 2001). Saved policies as of 27 September 2007.

E2 – Development Limits
E4 – New Buildings in the Countryside
E7 – Landscape Conservation
E11 – Conservation of Trees, Woodlands and hedgerows
E12 – Trees and Development
E14 – Landscaping of Development
E16 – Appearance from Main Travel Routes
E20 – Sites of Nature Conservation Importance
E23 – Nature and Development
E25 – Energy Conservation
E29 – The Setting of New Development
E47 – Contamination and Unstable Land and Development
E49 – Noise Sensitive Development
H3 – Locations for New Housing Development
H7 – Areas of Housing Development Restraint
H9 – Meeting Affordable Housing Needs
H10 – Affordable Housing in the Rural Area
H11 – Design and Layout of New Housing Development
R6 – Open Space Provision in New Housing Development
R7 – The Design of Open Space Provision
R12 – Access to Open Land and Countryside
T8 – Access to Main Roads
T12 – New Development – Road Capacity
T13 – New Development – Standards
T24 – Parking and Servicing Requirements for New Developments
T31 – New Development and Public Transport
T37 – Cycle Routes in New Developments

National Planning Policy

Parts of the following Government Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs) are important material considerations:

PPS1 – Creating Sustainable Communities
PPS – Planning and Climate Change – Supplement to PPS1
PPS3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS35 – Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

Government Office for the North East

It would be inappropriate for us to comment on the application itself as the Secretary of State has a quasi-judicial role in the planning process and we must not prejudice the Secretary of State's position. The Council will wish to consider in due course whether it needs to notify the Secretary of State formally of the application in accordance with one or more of her statutory

directions, if it is minded to grant planning permission, so that she may consider whether she should intervene.

North East Assembly

The proposal would contribute to RSS objectives of dwelling provision in Darlington but the location on green field land out of the defined settlement is not consistent with the RSS sequential approach to development. However, the site is near to services and jobs accessible by bus, pedestrians and cyclists and incorporates sustainable design and construction methods. Therefore the Council will need to be satisfied that there are no other deliverable or developable sites, which better fulfil the objectives of the RSS.

One North East

Whilst One North East notes the case made by the applicants regarding the ‘enabling’ element of this housing development proposal in the context of the relocation of the auction mart facility, we also recognise that the housing proposals require a sequential approach to ensure that appropriate justification is provided. The provision of housing on a greenfield site outside of the defined settlements identified in the Council’s adopted Local Plan is also contrary to national and regional policy guidance. Clearly the LPA will need to carefully consider the case made for this housing and be satisfied that the applicants have provided sufficient evidence to justify this development. In the event that the LPA is satisfied that the number of units and range of housing are appropriate, it is essential that a satisfactory mix of tenure and type of dwelling together with the quality of housing are secured by the imposition of appropriate conditions at this outline application stage.

The applicants’ intention to comply with the Council’s requirement for affordable housing is welcomed. The inclusion of affordable housing within the site should result in a range of housing types which, together with an appropriate density, will facilitate the creation of a mixed tenure on the site.

Design issues:

As you are aware the RES promotes the need for quality of place within existing and proposed development. Agency initiatives include delivering developments/regeneration schemes to comply with a set of Quality Design Standards. The aim is to deliver buildings which are over and above Building Regulation Standards and demonstrate best practice in areas of accessibility, sustainability, whole life costing and general design standards.

Whilst the Agency notes the applicants’ intention to set high standards in design stated in the application’s supporting information, no specific details are provided as to how this will be achieved.

With the above in mind, in the event that the LPA is minded to approve the application, the Agency requests the LPA to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. relating to the achievement of appropriate Code for Sustainable Homes, Building for Life and Secured by Design standards.

In line with Government objectives¹ to generate 10% of electricity from renewable energy sources by 2010 the application should also provide details regarding the provision of renewable energy measures within the scheme. Subject to the satisfactory resolution of the above policy

and design issues together with any environmental or highway issues from the LPA's point of view, the Agency raises no objection to this application.

Highways Agency

Given that the proposals site lies approximately 100 metres north of the A66(T)/Neasham Road junction and that the A66(T) forms part of the Highways Agency's Strategic Road Network (SRN), the traffic impact of the proposals on the A66/Neasham Road junction and other nearby A66(T) junctions is of particular concern. The details of the planning application differ with those specified within Dougal Baillie Associates (DBA) Transport Assessment. It is apparent that DBA has underestimated the size of the proposed site, which has consequences for the estimated traffic impact of the proposals.

In summary, the following matters need to be addressed:

- The maximum level of car parking provision should be agreed between DBA, The Highways Agency and Darlington Borough Council;
- The trip rates used by DBA are accepted by the Highways Agency for this development, however DBA should re-visit their trip generation so that it is based on 160 residential dwellings rather than 130;
- DBA should provide an evidence base to justify their proposed trip distribution;
- Once the number of development trips arising at the A66 have been agreed with the Highways Agency, DBA should compare the number of trips to the 30 and 50 two-way trip thresholds noted within their letter;
- Should the likely development trips arising at the A66 exceed the 30 two-way trip threshold on any approach to an A66 junction, accident analysis should be undertaken for that Strategic Road Network (SRN) location;
- Should the likely development trips arising at the A66 exceed the 50 two-way trip threshold on any approach to an A66 junction, operational analysis should be provided by DBA for that location; and
- In the interest of avoiding abortive work being undertaken, once agreement has been reached with the Highways Agency on the number of development trips arising at the SRN, DBA should fully scope any forthcoming accident/operational analysis with the Highways Agency or the Highways Agency's traffic consultants.

Further comments submitted in respect of the Travel Plan:

The following amendments should be made to the Travel Plan:

- The number of dwellings referred to in the Travel Plan should be changed from 130 to 160 dwellings;
- The distance to the 13a bus stop on Brankin Road should be amended to state that the site is between 200m and 500m of the bus stop;
- Firm commitment to all Travel Plan measures 'will' rather than 'could';
- Welcome Packs to include comprehensive information in relation to all sustainable modes of travel and to provided on occupation;
- Details of the railcard to be provided;
- Free bus pass to be provided to new residents for a minimum of one month;
- Travel Plan Co-Ordinator to be in place at least six months prior to occupation and for a minimum of five years post occupation;
- Details of budget and time allocation for Travel Plan Co-Coordinator to be included in the Travel Plan;

- Targets based on the agreed trip generation of the site to be included within the Travel Plan; and
- A clear monitoring strategy to be included in the Travel Plan.

Further comments

A holding direction has been issued directing that planning permission not be granted at this time. Still require some additional traffic assessment work to be undertaken and a more comprehensive Travel Plan to be prepared.

Natural England

Based on the information provided, Natural England advises that the proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to a planning condition requiring that any on site vegetation clearance should avoid the bird breeding season (March to end of August) unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no birds are present.

Durham Wildlife Trust

Have received information that surveys carried out in 2008 have revealed the presence of great crested newts at Brankin Moor Local Nature Reserve/SNCI. Great crested newts are protected under Schedule 2 of the Conservation (Natural Habitats, etc) Regulations, 1994 (Regulation 38) and Schedule 5 of the WCA 1981. Brankin Moor lies within 500 metres of this development site and in light of this new information, Durham Wildlife Trust objects to this proposed development and requests that further survey work is carried out. The proposed development will further isolate Brankin Moor nature reserve and will increase public use, and therefore public pressure on this site. This should also be taken into account and compensated for before planning permission is granted.

Environment Agency

Biodiversity

Object to the proposed development in the absence of adequate information on the risks posed by the development and suitable mitigating or compensatory measures, due to the likely impact of the proposed development on the water vole and its habitat. Recommend that planning permission be refused on this basis and will maintain objection until the applicant has supplied information to demonstrate that there are no risks from the development to any water vole populations that may be present. Require a survey of the watercourses to be undertaken to conform the extent of water vole populations at the site and the impacts of the development upon the species and its habitat.

Flood Risk

Consider the proposed development would be acceptable subject to the imposition of a condition requiring the submission and approval of a scheme for surface water drainage for the site prior to the commencement of development.

Contaminated Land

In relation to the application in so far as it relates to contaminated land, the Environment Agency only considers issues in relation to controlled waters. Recommend that a condition be imposed requiring the submission and approval of a scheme to deal with the risks associated with contamination of the site. The information currently provided by the applicant is not sufficient to fully address the risks posed by the site to controlled waters receptors. A number of further conditions are also recommended relating this matter.

Foul Drainage

The application states that foul drainage from the development will be disposed of to the existing mains sewerage system. The Sewerage Undertaker, Northumbrian Water, should be consulted by the local planning authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution. Should this not be the case, we must then be re-consulted.

Sustainable Construction/Renewable Energy Generation

A planning application of this scale should incorporate sustainable construction and renewable energy generation principles. In line with the adopted Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 38 (Sustainable Construction) and 39 (Renewable Energy Generation). The proposed development should be designed to ensure energy consumption is minimised to achieve energy efficient best practice to meet the Code for Sustainable Homes. In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

Further comments following receipt of 'Ecology Walkover', September 2006

Now withdraw out previous objection to the application subject to a condition imposed on any permission granted requiring a scheme for the provision and management of a buffer zone along the watercourse to the south west of the site to be submitted and approved prior to the commencement of development.

Durham Constabulary

Concerned regarding the footpath shown running to the rear of plots 27-36 inclusive. Crime and anti-social behaviour is more likely to occur if pedestrian routes are poorly lit, indirect and away from traffic; streets, footpaths provide access to the rear of buildings and the lack of natural surveillance. It would be safer for children/pedestrians to use the 'primary routes', which will remove the need for under used footpaths.

Northumbrian Water

Recommend that if planning permission is granted that a number of conditions be imposed requiring the diversion of NWL's apparatus (a 600mm public sewer and 39 inch and 48 inch steel water mains cross the site and are shown built over on the application) or the redesign of the proposal to avoid any building over any of this apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost. A condition requiring the submission of a scheme for the disposal of surface water from the development is also recommended.

The Ramblers

We offer no view on the proposed development. The southern boundary of the proposed site is close to Snipe Lane, Bridleway No. 17 Hurworth Parish. If the application is successful, no construction work should affect this Public Right of Way.

CPRE

Object to the proposals in the strongest possible terms for the following reasons:

- The housing is outside the development limits and is not for agricultural or forestry related purposes;

- It is understood the applicants wish to use the land to raise capital to build a new Mart. We do not believe this is an adequate planning reason to permit housing outside the development limits.
- If housing is permitted outside the development limits it would set a dangerous precedent;
- The road network is already overloaded with traffic from Darlington Football Club, especially on major event days;
- Darlington Football Club has planning permission to hold large music events/concerts. We understand part of the reason this use was given permission was because the trees and railway line were a buffer between the stadium and the housing. There would be no such buffer between the stadium and the housing;
- The development will suffer from noise from the A66;
- The indicative map of possible layout seems to have the dwellings packed closely together.

Northern Gas Network

No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works.

CE Electric UK

Plans received showing the location of known of Northern Electric apparatus in the area.

Hurworth Parish Council

Feel that it is totally out of keeping in a rural setting. Also highways issues are a major issue on a Saturday afternoon football days will be exacerbated by this development. Wish to be present and speak if this is referred to Committee.

Results of Local Consultation

Notification letters were sent to 502 individual properties. The application was also publicised by 6 site notices posted on and around the site and by an advertisement in the Darlington and Stockton Times. In response to this consultation, ten letters of objection have been received which raise the following issues:

- *This is an extremely busy road and the last thing needed is traffic from another 160 houses.*
- *There is housing development off Smithfield Road, a busy doctor's surgery, garages and cars trying to negotiate Matalan and Netto car parks as well as the school run traffic. It is nearly impossible to get into town down Parkgate at peak times not to mention on match days.*
- *Cannot believe that there is any need to develop any more land for housing.*
- *Keep hearing that much of the reason for the serious flooding over the last few years in that flood plains being built on but still more and more land is being developed for housing.*
- *Hope that the proposal will be refused unlike the white elephant of the football stadium which is yet another blot on the landscape.*
- *Have lived into this area all my life because of its situation of being the last street before open countryside. If this development goes ahead that will change our situation totally.*
- *There is a discrepancy between the application and the Transport Assessment. The application states 160 houses and the Transport Assessment relates to only 130 houses.*
- *This development will increase traffic volume and noise along Neasham Road in both directions and therefore have an impact on road safety and quality of life.*

- *During the construction period there will be noise and disruption that will have a negative impact for those people who enjoy the nature reserve.*
- *The local services cannot support the extra population in terms of doctor's surgeries and schools.*
- *We do not believe that in the current economic climate, with developments such as Railway View and the Persimmon Homes site nearer to the station struggling to sell, that there is room in the local economy for such a development.*
- *The site could be used in a more environmentally manner to enhance the field. It is not vacant, it does not need to be used by housing when its land properties are so varied, the water table is a significant problem, the idea of subsidence and the problem of gases found in this area of ground are of concern.*
- *Why use the site when there are plenty of brown sites already available. Once the site is developed it cannot be regained. Would there be a problem taking peat from the site.*
- *There have been no accidents at the junction with Neasham Road and the access to Railway Cottages to the knowledge of residents from Railway Cottages.*
- *The way to improve this access would be to have signs and traffic calming and to improve the lane surface due to the increased amount of use it gets resulting from allotment holders and woodland users who also use the access in addition to residents, railway maintenance teams, refuse wagons etc. Who is responsible for the maintenance of this road?*
- *Will the houses be affected if services are disrupted and how long would it take to correct the problem?*
- *How will the lane be? Will it be flanked by 2 – 3 storey housing, probably forming a tunnel effect, when open green space is preferable?*
- *The intersection onto the lane leading into the estate, how will this affect the access for residents and any of the service we require?*
- *Will the proposed closure of the access road to Railway Cottages decrease the issue we have had with the misuse of this lane by fly tippers, drugs, under age drinkers, damage to the woodlands and allotments or will it encourage it further? Would cameras be fitted to monitor behaviour?*
- *Will the proposed exit road for the development be sufficient to cope with the amount of traffic it will create?*
- *Will a 'lock in or out' still be undertaken when large events take place at the stadium or will it further hinder freedom of movement on the road on a more regular basis? This will cause further inconvenience and delays. The stadium was not supposed to affect the immediate locality to such an amount.*
- *How will the water table be affected? It has problems coping as it is. Where will the extra water drainage and sewage be treated? Will the extra flow be let into the existing natural flow?*
- *Sustainable housing of 160 dwellings seems a huge amount of property for such a small area. If these houses are to accommodate vulnerable and in-need people creating a mixed community, this covers a broad spectrum. Combining urban and rural in this area seems a highly charged mix of people.*
- *What is going to happen to the livestock at the stables if our access is closed off?*
- *With all these people moving up here we could do with a fence round the nature reserve. Our road also needs updating and we have no streetlights. Would this be possible as some kind of compensation for all the upset?*
- *The application states that the site is a low flood risk area. Having lived here for 45 years we know that the land is often water logged and the filling in of the pond near the former*

British Rail canteen contributed to the increase in water available. Further development on the land will push the water elsewhere whatever means of run-off is used.

- *The one exit/entrance near the private road, which is a blind spot to see traffic coming off the roundabout, is dangerous.*
- *The planning application states many advantages for living in this new estate, nearby schools at Polam Hall and Hurworth House, both high fee paying, private schools, 'many bus services' – where? And dentists, shops, medical services etc which unless cars are used are not convenient because there is only one bus stop nearby with an infrequent service. Thus increasing congestion on Neasham Road with cars.*
- *One reason given for moving the football stadium to the current site was to avoid inconvenience to property around Feethams. If allowed, this housing development is the beginning of reinstating the same problem.*
- *The site is a Greenfield site beyond the development limits as stipulated in the Local Plan. I believe we need to maintain easily accessible countryside for the enjoyment of the general public without the need to travel by car or public transport.*
- *The wildlife include deer and birds of prey from nearby nature reserves need these field systems as part of their habitat.*
- *Believe there is a risk of contamination in the northern end of the site where a large pond was located, which was filled with building materials in the 1970s. The area is still used by DFAM to tip waste material from the Mart.*
- *The application indicates that surface water from the site is to be dealt with by soakaways or if soakaways are not viable, then should be discharged into the minor water course adjacent to the site. This watercourse is already over capacity in wet weather as it already collects surface water from the DFAM arable and to the south of the development. This has already caused damage to the road surface of Snipe Lane and causes flooding in adjoining fields. Investigation of the watercourse where it disappears underground should be undertaken to avoid flooding elsewhere.*
- *The single access opposite to the site opposite the football stadium I believe is dangerous as it is on a 40 mph stretch of road and would involve the movement of a lot more vehicles.*
- *The existing access to the north of the site which the developers say is dangerous is used by few vehicles. I know of no accidents which have occurred there other than HGVs ignoring the height restrictions on the railway bridge.*
- *The removal of hedgerow is stipulated, but no specific measurement of how much is involved, to improve sightlines at the junction. These hedgerows are some of the last surviving in the area from older type of farmland, which once surrounded the town. The horses from the nearby riding establishments would have to negotiate much more traffic than at present.*

PLANNING ISSUES

The comments of the Council's Planning and Environmental Policy Section are reiterated in full below:

Location of the Proposed Development

The application site lies outside the limits to development as shown on the adopted Local Plan Proposals Map. It is clearly separated from the main built up area of Darlington by an elevated railway embankment and operational railway line; the bridge carrying the railway line across Neasham Road marks the entrance to the town when approaching it from the south-east.

As such, this application is contrary to Policy E2 of the adopted Local Plan, and would constitute a departure from the development plan.

The presence of the football stadium on the opposite side of the road does nothing to reduce this sense of separation for the urban area. The football stadium building is separated from the urban area by an extensive area of surface parking and beyond that, a mature tree belt that screens the railway embankment and provides access to a Local Nature Reserve and a gypsy site. To the west of Neasham Road and north of the A66 are established urban fringe uses, such as a riding stables and grazing allotments, and within the last five years, a significant part of the land (Geneva Woods) has been designated a Local Nature Reserve.

The application site is not therefore a logical extension to the urban area and the A66 is not becoming the new limit to development for Darlington around its southern and eastern edges, as the applicant suggests in the Design and Access Statement submitted as part of the application

Development of this site for housing would also be contrary to RSS Policy 4, which indicates that in selecting locations for development, priority should be given to previously developed land and buildings within urban areas, then other suitable locations within urban areas, then suitable sites in locations adjoining urban areas, particularly those involving the use of previously developed land. This site is a greenfield site outside the urban area, and its selection for development would only be made if sufficient sites in all the other categories mentioned were not available.

RSS Policy 4 also states that sites should be well related to homes, jobs and services by all modes of transport. The application site is relatively close to a range of services, with a primary school and doctor's surgery being within 1 km of the site, and shops on Neasham Road, Eastbourne School and the town centre employment area being within 2 km of the site. The only bus service on this part of Neasham Road is the No 20 service to Neasham. The more frequent bus service (13A/B) is only accessible on the north side of the railway bridge at Brankin Drive, but this would be beyond the 300m acceptable walking distance for most residents. The physical restriction of the railway bridge makes the site feel remote, and this may encourage residents to use their car for relatively short journeys.

The applicants have submitted a 'strategic options appraisal' which looks at the other sites that were considered for the relocation of the Darlington Farmers Market. The options appraisal does not include an appraisal of alternative sites that could accommodate new housing development.

The Council's latest 'Housing Land Supply in the Borough of Darlington: Demonstrating a 5 Year Supply of Deliverable Sites' document, published in March 2008, indicates that there is only a 2% shortfall (amounting to 55 dwellings) of the total planned additional dwellings (i.e. sites already with planning permission) against the RSS requirements, but this work does not take account of the sharp downturn in the housebuilding activity that is a consequence of a newly weak housing market. More recent evidence of completions suggests that the RSS housing requirement figure will be unachievable in the short-medium term, though this is unlikely to be confirmed until a Darlington Strategic Housing Land Availability Assessment (SHLAA) is completed in March 2009. The SHLAA is likely, though, to identify other more suitable developable and deliverable sites that are available to meet the RSS housing requirement.

The applicant also refers to the award of 'growth area' status to the Tees Valley in support of its application, and pointing to the additional future housing growth that is identified for the area

over and above that recognised in the recently approved Regional Spatial Strategy for the North East (RSS). The Tees Valley was awarded Housing Growth Point status last year and has recently been allocated £6.2 million of funding to help bring forward housing delivery across the Tees Valley. Housing Growth Point status committed the sub-region as a whole to offering housing growth that is 20% above the figures identified in the RSS (Examination in Public Panel Report figures) over the period to 2016; it is not necessarily the case that 20% uplift will occur in each local authority area. Moreover, the Programme of Development that was submitted to secure grant funding recognised that the 20% uplift in RSS housing figures was unlikely to be achieved given the downturn in the housing market, and outlined development that could return housing delivery to a level by 2016 that is equivalent to RSS (EIP Panel Report figure) +20%.

In the original Housing Growth Point bid, seven sites within Darlington urban area were identified and these, together with a number of smaller sites of less than 100 dwellings, were Darlington's contribution towards providing the 'at least 19%' uplift in RSS figures (draft submission version) demonstrated in the bid. The application site, being outside the urban area, has never been considered as a priority to bring forward to meet the sub-regional uplift in housing delivery required as part of Housing Growth Point status.

In the light of these factors, my view is that a site of this scale in this type of location is not needed to meet national, regional or sub-regional housing delivery objectives.

Nature of the Proposed Development Site

The application site is a greenfield site. Because of its size and the number of dwellings proposed, its development would undermine the ability of the Council to contribute towards meeting the target percentage of previously developed land (PDL) to be redeveloped for housing that is set out in the Regional Spatial Strategy (RSS). The RSS target for 2008 was 70% rising to 75% by 2016, and the data from the first three quarters of 2008/09 indicates that the level of completions on PDL in the Borough is currently running at 53%.

Density of the Proposed Development

The application proposes 160 dwellings on a 4.45ha site. This amounts to a density of 36 dwellings per hectare. This is above the national indicative minimum density of development that is set out in PPS3: Housing, and within the 30-50 dwellings per hectare range that local authorities should be trying to achieve, as set out in RSS Policy 29.

Enabling Development

In their financial appraisal, the applicants argue that development of this site for housing is required as part of a package to enable the existing Cattle Mart operation to expand into a full Agricultural & Equestrian Centre and be relocated to an edge of town location at Humbleton Farm, creating in the region of 300 jobs. The relocation would free up its existing site on Clifton Road for housing development and resolve disruptive traffic and residential amenity issues in that area.

It is not clear from the limited financial appraisal material submitted in relation to the proposed Agricultural & Equestrian Centre (application reference 08/01003/OUTE) why housing development of the scale proposed at Neasham Road is considered essential to enable that development to proceed. There is no evidence in the submission for the proposed Agricultural & Equestrian Centre that alternative sources of funding the relocation have been considered. It would have been useful to know what other capital-raising avenues have been seriously investigated, before the Council was asked to consider compromising its statutory planning

framework to enable another development to proceed. It is also not clear if a smaller housing scheme would be sufficient to enable the relocation to proceed, or whether a smaller relocation scheme could be delivered without requiring the capital expected from a sale of the application site for housing.

Given the downturn in market conditions since the initial and second financial appraisals were made (August and November 2008), and having taken advice from colleagues in the Estates Division, the receipts from land sales that are indicated in both financial appraisals seem optimistic. It is not clear how or if the gap in funding could be filled if the receipts anticipated for the sale of land for housing at the existing Cattle Mart and the Neasham Road site were not realised, and hence, if the relocation of the Cattle Mart is deliverable. If this application is granted, there would be a real possibility of it being developed for housing, but with no consequent progress being made on the relocation of the existing Cattle Mart. (The direction of funds from the sale of the land at Neasham Road towards the redevelopment of the Cattle Market at Humbleton Farm would be secured by Section 106 Agreement, to ensure that the development of the site does not occur in isolation).

Affordable Housing

If the proposed development is granted planning permission, there will be a requirement to provide 24 dwellings (15%) as affordable housing, in accordance with Policy H9 of the adopted Local Plan and the provisions of the Council's adopted Affordable Housing Supplementary Planning Document. The proposed provision of 30% social rented homes, amounting to 48 dwellings would meet this requirement.

Conclusion:

I am unable to recommend that planning permission be granted for this scheme, either on its own merits, or as enabling development for the relocation of the cattle mart to Humbleton Farm as part of proposals to create an agricultural and equine centre there, for the following reasons:

- (a) the application is contrary to Policy E2 of the adopted Local Plan, and would constitute a departure from the development plan;
- (b) the proposed development would be contrary to RSS Policy 4, the sequential approach to development;
- (c) because the proposed development would be a major greenfield site, it would adversely affect the Council's ability to contribute to the achievement of sub regional and regional previously developed land targets;
- (d) a site of this scale in this type of location is not needed to meet national, regional or sub-regional housing delivery objectives.
- (e) it is not clear that granting this planning permission will necessarily enable the relocation of the cattle mart and the creation of the proposed Agricultural & Equestrian Centre; a possible outcome could therefore be development of the application site for housing and the retention of the cattle mart in its current Clifton Road location.

The Business Case

The applicants advise that the proceeds from the sale of the application site for residential development is needed to help meet the shortfall in development costs associated with relocating the cattle market to Humbleton Farm. Reference is made within the application to the proposed development being 'enabling development', that is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being

carried out, and which could not otherwise be achieved. Enabling development is more usually a tool used as a last resort to secure the long-term future of a place of heritage significance and the public benefits are paid for by the value added to land as a result of the granting of planning permission for its development.

To justify the development, outside of the limits to development, the applicants have put forward a business case, to demonstrate the financial model for the relocation of the cattle market. This information takes the form of two financial appraisals prepared in August 2008 and November 2008 respectively, with the latter appraisal submitted to show a 'worst case scenario'.

The November 2008 appraisal shows total expenditure for the development of the Humbleton Farm site as being £16.9m and income from the sale of land (which includes the Neasham Road site and the Council's land at Clifton Road) and income leasing (i.e. floors space within the agricultural centre at Humbleton Farm) to be £18.6m. This appraisal shows a surplus of £1.7m and assumes no bank borrowing requirement.

The appraisals have been considered by the Council's Estates and Property Manager who advises that the applicants have not justified the assumptions they are making in the appraisal particularly with regard to the values they have attributed to standalone plots and rental levels used for income leasing figures. Furthermore, in the current economic climate, the stated income from sales and leasing is considered to be significantly overstated and moreover the likelihood of sales or leases taking place is in serious doubt. The end result being that construction is unlikely to proceed because there will be a funding shortfall. Should any bank finance be required then this will also adversely affect the current appraisal.

Furthermore, there are other likely costs associated with the proposed development at Neasham Road which have arisen as a result of the application process, which are unlikely to have been accounted for within the development appraisal. The nature of these costs are explained in more detail further in the report and relate to the removal of landfill material from the site, developer contributions towards highways and public transport improvements and increasing primary and secondary school places within the vicinity of the site and the potential diversion of water mains and a public sewer from the site. Such costs will further affect the residual land value of the application site and in turn the viability and the deliverability of the scheme. As such it is not considered that the submitted business case is robust enough to warrant setting aside the fundamental policy objections to the scheme.

The Council is not satisfied that the proposed development amounts to 'enabling development' given the concerns regarding the robustness of the financial case and given that any benefit arising from the proposed development would be limited to a comparatively small number of residents surrounding the existing mart site on Clifton Road. Although the impact of current mart activities on nearby residents cannot be underestimated, it is not considered that this matter in itself would place the proposed development within the terms of being considered enabling development.

Notwithstanding the concerns in principle regarding the proposed development, the proposal does give rise to a number of development control issues, which nevertheless need to be considered as part of the application. The report will now consider the application in the context of the following issues:

- Impact on Visual Amenity
- Impact on Residential Amenity
- Traffic and Highway Safety Issues
- Ecology and Nature Conservation
- Public Rights of Way
- Ground Conditions
- Flooding and Drainage Issues
- Statement of Community Involvement
- Other Issues Raised by Objectors

Impact on Visual Amenity

This is an outline application with matters of appearance, layout and scale being reserved for consideration at a later stage. While it is not possible to give comprehensive consideration to the impact of the proposed development on visual and residential amenity at this stage, an indicative layout plan, together with a Design and Access Statement, has been submitted as part of the application, which does allow some consideration to be given to these matters.

Policy E29 (The Setting of New Development) requires new development, including alterations and extensions to existing buildings, to respect the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features, including gardens and other open spaces which contribute to the character of the setting, and not to materially detract from the appearance of its surroundings. Policy E16 (Appearance from Main Travel Routes) also states that the appearance of the Borough from the main road network, the railway lines, the Teesdale Way and the proposed recreation routes will be maintained and enhanced by requiring new development to respect its setting, and to incorporate landscaping, which makes a positive contribution to the appearance of its surroundings. Policy E7 (Landscape Conservation) states that development which is acceptable in principle under Policy E2 and development on the edges of built-up areas will be required to respect the character of its landscape setting in terms of its siting, design, materials, landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality.

The application site is a parcel of undeveloped, agricultural land at the side of Neasham Road, close to its junction with the A66(T). The topography of the surrounding area is generally flat and open views of the site can be gained south of the railway line, interrupted only by trees and hedgerows, which form boundaries to the large fields, and which characterise the surrounding area. Open views of the site can be gained from Neasham Road and from the public footpath to the south. Views of the site from the A66(T), when approaching the roundabout from the west are presently restricted by an embankment on the northern side of the road and by densely planted trees along the western site boundary. The site becomes more visible either side of the roundabout as the embankment diminishes. Views from the north of the site are limited by the railway embankment and trees and by existing houses on Geneva Crescent and Brankin Road.

The submitted layout plan shows the proposed dwellings arranged around a main spine road through the site and a number of cul-de-sacs off this road. The Design and Access Statement

confirms that dwellings will be 2 and 3 storeys in height. The proposed development will be clearly visible from Neasham Road, the railway line and from the public right of way to the south. While views of the site from the A66(T) are presently restricted by an embankment at the side of the road, given that the site is undeveloped, the presence of two and three storey dwellings on the site will be more apparent from the A66(T) once built. While from these aspects the proposed dwellings will largely be seen against the backdrop of the Darlington Arena and the railway line to the north, which forms a physical barrier to the built-up limits of this part of the urban area, the proposal nevertheless represents an unwelcome extension of the built-up area into open countryside, beyond the limits to development.

The application form states that landscaping of the proposal is to be considered at the outline stage. However no formal landscaping proposal has been put forward. The Design and Access Statement states that existing trees and hedgerows will be reinforced and the indicative layout plan shows limited tree planting mainly along the peripheries of the site. It is not considered that the proposed landscaping scheme is sufficient to in anyway soften or assimilate the proposed development into the landscape or the surrounding area. Furthermore, the proposed development is particularly inward facing, with a very weak frontage onto Neasham Road. With the exception of the northern most corner of the site, adjacent to the Railway Bridge, which shows a small number of dwellings facing the road, the indicative layout plan shows gable ends, rear gardens and parking areas abutting this boundary. There is no strong presence or building line facing Neasham Road, which notwithstanding the concerns in principle regarding the proposed development, would have helped integrate it into the surrounding area.

The area south of the railway line, with the exception of the football stadium opposite, is of very different character to the built-up area to the north being open, agricultural land in comparison. It is not accepted that the proposal, regardless of its potential sustainability credentials, would comprise a logical or natural extension to the urban area of the town. Any landscaping of the site would be limited to its periphery and it is not considered that the visual impact of the proposed development could be reduced by landscaping and tree planting to such an extent so as to overcome concerns regarding its impact on the visual amenity of the surrounding area. Similarly the presence of the football stadium opposite cannot justify development in the open countryside, which is otherwise unacceptable in planning policy terms.

Impact on Residential Amenity

Policy H11 (Design and Layout of New Housing Development) requires that the design and layout of new housing will be required to relate well to the surrounding area, respecting its predominant character and density and avoid damage to the amenities of adjoining properties and to provide adequate privacy in the rooms, gardens and other outdoor areas of the proposed dwellings and existing adjacent property.

In terms of impact on existing dwellings immediately to the north of the site, there will be a minimum separation distance of approximately 45 metres between the nearest dwellings on the application site and those existing dwellings to the north on Geneva Crescent. Furthermore the site is separated from the existing dwellings to the north by the Darlington-Middlesbrough railway line and embankment, which will further shield the existing dwellings from the proposed development. As such the proposed development is unlikely to adversely affect the amenities of existing properties to the north of the site.

The indicative layout plan does not provide details of the storey heights of the individual dwellings and as such it is not possible to ascertain whether the proposed layout meets the

required separation distances in order to provide each of the dwellings with appropriate levels of privacy and daylight. In some instances it would appear that such separation distances would not be met, with some separation distances between main elevations being as low as 15 metres. (A separation distance of 21 metres is usually considered appropriate between main elevations of two storey dwellings, assuming a level site). The plots appear to have adequate garden and amenity space.

Concern has been expressed by a resident of Railway Cottages to north west of the application site, regarding the impact of the proposed development on the private access road, which runs close to the northern boundary of the site. The concern relates more specifically to the proximity of the proposed houses to the lane, which could potentially create a tunnel effect to the lane. The submitted layout plan is indicative only and no indication as to the storey heights of the properties along the northern boundary of the site has been provided either. Both matters would be considered at the reserved matters stage. With the exception of what appear to be either apartment blocks or terraces of houses in the north east corner of the site, close to the junction of the access road and Neasham Road, the remainder of the properties along this boundary are detached dwellings set back from the access road by between 8 and 10 metres. The properties in the northeast corner are however to be sited closer to the access road, with a separation distance of approximately 5 metres. In the absence of further details regarding the layout and storey heights of the building it is not possible to assess the impact of the proposal on the access lane, however it is considered that as the majority of the properties are to be detached dwellings set back up to 10 metres from the lane it is unlikely to adversely impact upon users of the lane.

Policy E49 (Noise-Sensitive Development) states that development in locations in which its occupiers would be materially affected by noise will normally be required to incorporate measures to mitigate its effects. There are a number of existing noise sources within the vicinity of the site which have the potential to adversely impact upon the amenities of the proposed dwellings. These include the Darlington Arena directly opposite, which in addition to football matches has permission to hold a limited number of other events, such as concerts, each year, road noise from Neasham Road and the A66(T) to the east and west of the site respectively, and noise from the Darlington-Middlesbrough railway line to the north of the site. No information has been submitted with the application to assess the impact on noise from these sources on the proposed dwellings or details of any measures, which may be incorporated into the design of the dwellings or the layout of the site, to mitigate against these noise sources.

The Council's Environmental Health Officer has considered the application with specific regard to the issue of noise. She is concerned that the applicant has not considered the impact of noise on the proposed development from road and rail traffic and from the football stadium. A noise report is required for these sources of noise so that noise can be considered at the application stage in accordance with the guidance contained within PPG24, BS7445 and BS4142.

The Environmental Health Officer has particular concerns regarding the affect of noise on the proposed housing from the football stadium and its associated uses. Members were minded to grant planning permission in April 2008, subject to the developer entering into a Section 106 Agreement for uses, which include leisure facilities, office accommodation etc., which will increase future noise levels from the Stadium. As well as the home football fixtures, the stadium can also hold a number of exceptional sporting and non-sporting events in any one calendar year. Noise levels and the number of events held were however assessed on existing receptors and not for the new proposed housing development. There is therefore no guarantee that the

Music Noise Levels specified within the Code of Practice on Environmental Noise Control at Concerts (1995) will be complied with for the proposed residential housing. The noise report will need to consider all of the issues and it may be that the applicant will not be able to demonstrate to the LPA that the residential properties will not be adversely affected by noise. As there are outstanding issues relating to noise, which may make the application site unsuitable for residential development the Environmental Health Officer has advised that she is unable to recommend approval at this stage.

In view of these comments and the lack of information provided at this stage, the proposal is therefore considered contrary to advice contained within PPG24 'Planning and Noise' and Local Plan Policy E49 (Noise-Sensitive Development).

The application is silent on whether the existing telecommunications mast and associated equipment is to be removed to make way for the proposed development. The mast is not shown on the submitted layout plan however there is no development shown in this area and an area of planting is shown around the compound, which suggests that the equipment may remain. The mast would be within approximately 20 metres of the nearest houses either side. There is no guidance as such which establishes a minimum distance between such equipment and houses. However the potential impact of telecommunications equipment on health is not a material planning consideration and planning permission could not be refused on this basis.

Traffic and Highway Safety Issues

Access and egress to the site will be from a new access created onto Neasham Road, approximately 120 metres to the south of the existing entrance to the football stadium on the opposite side of Neasham Road. The applicants have also offered to close the existing private access immediately to the south of the railway bridge, which provides access to Railway Cottages. Access to these properties will be provided through the site and a new access point created in the northwestern corner of the site to Railway Cottages. A Transport Assessment and a Travel Plan have been prepared and submitted with the application.

The Highways Agency has considered the application in terms of its impact on the A66 (T) and advises that the traffic impact of the proposals on the A66/Neasham Road junction and other nearby A66(T) junctions is of particular concern. The Transport Assessment has been prepared on the basis of 130 dwellings on the site, however the application proposes 160 dwellings on the site, which has consequences for the estimated traffic impact of the proposals. The Highways Agency has also advised that further work is needed on the Transport Assessment on the basis of 160 dwellings to assess the true impact of the proposal on the trunk road network, specifically the A66 (T). A number of amendments to the Travel Plan are recommended. The Highways Agency has since issued a holding direction, directing that planning permission not be granted until such time as the additional transport assessment work is undertaken and a more comprehensive Travel Plan is provided.

The Council's Highway Engineer has also considered the application and identifies that the Transport Assessment has incorrectly assessed the development on the basis of 130 dwellings. The Highway Engineer has recalculated the traffic impact based on 160 dwellings and the capacity of Neasham Road would not be exceeded. The predicted flows for the busiest hour would be unlikely to have a significant impact on the wider local highway network. The Highway Engineer has advised that a right turning facility would need to be provided at the site access and the site layout would be required to provide for a 20mph speed limit, traffic calming and all necessary signage. Such matters would be dealt with by planning condition. In addition

it is pointed out that access to the site will be affected by events at the football stadium. Neasham Road is closed for a period of time at the end of a match or event and this can extend to 2 or more hours for larger events. This would prevent access to the housing site for all residents and visitors for a period of time. It is important that prospective occupiers are made aware of this restriction. The housing site would also be required to be included in the Neasham Road Area Residents Parking Scheme (for events at the football stadium) and the developer would be required to fund the inclusion of the site within the scheme.

The Highway Engineer does not consider it necessary to close the existing private access serving Railway Cottages. In any event this is a private access road and the applicants/developer would need to obtain the agreement of all owners and persons with a right of access over the road before it could be closed. Consequently there is no guarantee that closure of the road would take place.

While the Highway Engineer has raised no highway objection to the proposed development, subject to the imposition of appropriate planning conditions, he does advise that he has concerns regarding the location of the site and its ability to provide sustainable travel choices for residents. In this regard he supports the views of the Transport Policy Section and would agree that the inadequacies would provide a strong reason for refusal.

In considering the application, the Council's Transport Policy Section has concluded that the site is not well located to provide sustainable travel choices for residents and it is likely that this would be a largely car based development. The No. 20 bus service is infrequent and access to more frequent bus services is beyond an acceptable walking distance. The site is not connected to the town by good safe cycling routes and distance to local facilities is such that walking would not be the obvious choice. These inadequacies would provide a strong reason for refusal. A Travel Plan has been submitted latterly and the Transport Policy Officer has submitted further comments. He concludes that having considered the Travel Plan the conclusions set out in his original comments are still relevant and the site is not very sustainable in transport policy terms. If Members are minded to grant planning permission however, he advises that there are a number of improvements, some of which would be provided off-site and which would need to be funded by the developer.

Ecology and Nature Conservation

The application site is an area of agricultural land, with existing trees and hedgerow around the periphery of the site. The site itself is not formally designated as being of any ecological importance. Brankin Moor Local Nature Reserve lies to the north east of the site, within 500 metres of the site.

The indicative layout plan shows a number of trees along the southwestern boundary, however no details have been provided of the existing trees and hedgerows on the site and whether these are to be maintained or removed to make way for new tree planting. Although landscaping is indicated on the forms as a matter for consideration at the outline stage, no such details have been submitted with the application. With specific regard to the impact of the proposed development on existing trees on the site the Council's Arboricultural Officer has advised that an Arboricultural Implications Assessment and a Tree Protection Plan will be required.

A Great Crested Newt and Breeding Bird Survey have been submitted with the application. The report is based on the findings of a number of field and desk based surveys of the site undertaken during April and May 2007. The report concludes that water bodies present on the site are not

deemed to provide suitable habitat to support a breeding population of great crested newts. A pond located within 500 metres of the survey site, within the grounds of Darlington Football club, contains fish and an abundance of water fowl and so is considered very unlikely to maintain a breeding population of great crested newts (the pond has not however been surveyed). Great crested newts are not therefore considered to be a constraint to development. To enhance the site for great crested newt movement, a 1 –2 metre strip of land, running along the north edge of the site, could be planted with a hedge and a wild flower/grass mixture to provide a potential movement corridor for great crested newts if in future they colonise the close by Local Nature Reserve.

The breeding bird survey stated that 36 bird species were recorded during the survey, of which 10 were found to be holding territory on the site including 2 species (Song Thrush and Dunnock) deemed to be important in terms of their conservation status. The survey confirmed that there are no Schedule 1 birds using the proposed development site. The survey recommends a number of measures to provide suitable feeding, nesting and roosting habitat for the species of note, which include the retention and planting of species-rich native hedgerows and the planting of mixed scrub.

Natural England has considered the application and considers that the proposal is unlikely to have an adverse effect on protected species, subject to a planning condition relating to the clearance of vegetation from the site. Durham Wildlife Trust have also commented on the application and advise that surveys carried out in 2008 have revealed the presence of great crested newts at Brankin Moor Local Nature Reserve/SCNI. As this site lies within 500 metres of the development site and in light of this new information they object to the proposed development and request that further survey work be carried out. They are also concerned that the proposed development will further isolate Brankin Moor nature reserve and will increase public use of the site.

The Environment Agency has withdrawn its original objection to the proposed development on the basis that no information was submitted with the application to assess the risks posed by the development following submission of a further document 'Ecology Walkover' dated September 2006, which considers the presence of water vole on the site. The Agency now recommends that a planning condition be attached requiring the submission and approval of a scheme for the provision and management of a buffer zone along the watercourse to the south west of the site prior to the commencement of any development on site.

The Council's Countryside Team has considered the application and advises that for an urban fringe site such as this, the highest standards of design and sustainability should underpin any proposed development. These principles should also include a significant regard for the protection, retention and creation of biodiversity within a high quality ecological plan. The proposed development fails in its design to address most of the features, which would be expected in a location of this type, which include the following:

- Sufficient greenspace area within the development area (approximately 20 – 25%), which should consist of internal community space (as already included), enhancement of existing features i.e. hedgerows and watercourse, as well the creation of new areas;
- Connectivity of internally created greenspaces to existing greenspace habitats outside of the development area i.e. connecting the two Local Nature Reserves (Brankin Moor & Geneva Wood) neighbouring the site.

- Access, both internally (possibly within the green buffer areas) and externally from the site should be catered for along a safe wide route which allows specific connection to external links and features, such as any rights of way, the cycle network, nature reserves, etc. This would also be best served by providing safe crossing points for cyclists and pedestrians, e.g. across Neasham Road to Brankin moor.
- The greenspace provision should be multi functional, catering for the enhancement of habitat, especially for any protected and BAP species found in the locality, public access, together with natural play/recreation.

In addition, the Countryside Team has advised that Brankin Moor Local Nature Reserve site (within 200 metres) surveyed positive for breeding Great Crested Newts in 2008. On a recent viewing of the site (February 2009) it was apparent that standing water, of significant depth, was present sufficient that it might attract and allow Great Crested Newt breeding to occur. Even if the likely success of offspring is questionable the presence and potential harm to Great Crested Newts at the wrong time of year is of concern and therefore would need to be carefully assessed and incorporated into any method statement used to commence works. The development is likely to need to operate under a development Great Crested Newt licence.

Public Rights of Way

Footpath Number 17 runs in an east-west direction immediately to the south of the application site, coincident with Snipe Lane. Although the proposed development will not directly affect the footpath, the Ramblers have advised that construction work should not affect the public right of way.

Ground Conditions

A Ground Investigation Interpretative Report has been submitted with the application. The report has been considered by the Council's Environmental Health Officer who has raised a number of issues regarding the findings of the report. The main concern relates to an area of former landfill on the site, an infilled pond, which covers approximately half of the northern end of the application site and the risk that landfill gas arising from this area poses to any future residential development on the site. The report advises that significant concentrations of methane have been detected in boreholes located within the area of the infilled pond of above 90% and consequently the report concludes that such concentrations of methane make the site unsuitable for development without remediation. The proposed remediation measures would be to remove the made ground/landfill material on the site, which ranges in depths of between 0.7 metres to 4.3 metres. The Environmental Health Officer comments as follows:

'Removal of landfill material would remove one of the sources of landfill gas however as this area was formerly a marsh land and as recognised by the site investigation report peat may also be a source of methane. I also have concerns as to whether the removal of the landfill material would be an economically viable option given the size of the landfill area and depth. The Environment Agency may also have objections to the removal of landfill material and I would need to gain their view. I also have no assurance that the applicant has agreed to adopting this approach as recommended by their consultant. If the landfill material is not to be removed I need to be satisfied that the risks from the landfill gas can be dealt with and no unacceptable risk will remain once the site is developed for residential use. Due to the lack of landfill gas monitoring/detailed risk assessment and no assurance that the made ground is to be removed at this stage, I cannot conclude that the site will be suitable for residential development. If the landfill material is not to be removed, the applicant will have to carry out gas monitoring over a

minimum period of 12 months and submit a detailed risk assessment in accordance with guidance contained within CIRIA 665 'Assessing risks posed by hazardous gases to buildings' and NHBC 'Guidance on evaluation of development proposals on sites where methane and carbon dioxide are present'. The detailed risk assessment will need to demonstrate the site is suitable for its intended use before planning permission could be granted.

The Environment Agency has also considered the application so far as it relates to contaminated land and recommend that a condition be imposed requiring the submission and approval of a scheme to deal with the risks associated with contamination of the site. The information currently provided by the applicant is not sufficient to fully address the risks posed by the site to controlled waters receptors. A number of further conditions are also recommended relating this matter.

In view of the Council's Environmental Health Officers comments as outlined above and in the absence of adequate site investigation work, at this stage it cannot be guaranteed that the development of the site can be carried out without risk to those working on the site or future occupants of the site. In this regard the proposal is considered to be contrary to advice contained within PPS23 'Planning and Pollution Control' and Local Plan Policy E47 (Contaminated and Unstable Land and Development) states that proposals for development on land which is likely to be contaminated, unstable or a former landfill site will be permitted only if the applicant can demonstrate that the site is, or will be, made safe for the proposed development and surroundings.

Flooding and Drainage Issues

A Flood Risk Assessment (FRA) has been submitted with the application. The site lies within Flood Zone 1, with a less than 0.1% chance of fluvial flooding. Given the size of the application site (4.5 hectares) current Environment Agency Standing Advice states that a FRA is needed to assess surface water runoff generated by the site. Due to the nature of the development the site will have a high concentration of impermeable area. There FRA states that given the existence of minor watercourses through and adjacent to the site, it is proposed to discharge surface water from the development to watercourses. If however there is a local surface water sewer in Neasham Road, which discharges to a larger watercourse than those directly adjacent to the site then it may be preferable for surface water to discharge into the sewer rather than into the small watercourses close to the site. In either case surface water runoff from the site should be attenuated to a Greenfield rate and some on-site attenuation will be required. Foul water will be discharged into existing public sewers. The FRA recommends that finished floor levels are set a minimum of 300mm about surrounding ground level to reduce the risk of overland flooding from the north west of the site.

The Environment Agency has commented on the application and advises that the proposed development is acceptable in terms of flood risk subject to a planning condition requiring the submission and approval of a surface water drainage scheme for the site, based on sustainable drainage principles. The Agency advises that surface water run off should be attenuated to the 1:1 year Greenfield rate or if possible, reduced. The surface water drainage system should be capable of containing run-off arising from the 1:30 year event and the site should be designed so that run-off arising from storms up to the 1:100 year event can be stored within the site boundaries without affecting buildings or overflowing into watercourses.

Northumbrian Water Limited has commented on the application and advises that an existing public sewer and two water mains cross the application site at its southern end and are shown as

being built over on the application. Northumbrian Water advises that they will not permit a building over or close to its apparatus. Planning conditions are suggested that require the scheme to be either redesigned to avoid building over the apparatus or else the apparatus diverted or relocated at the applicants' full cost. With regard to the matter of discharging surface water runoff into the public sewer, a condition is suggested requiring the submission of a scheme for the disposal of surface water from the development to be submitted and approved in writing by the Local Planning Authority.

Statement of Community Involvement

As the application falls within the category of major development, the Council's Statement of Community Involvement (SCI) guidelines state that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application in the form of an SCI. The application provides the results of a questionnaire undertaken by the applicants and their agents following a consultation exhibition held at the Kings Head, Darlington on 1 November 2006. The exhibition related to the re-development of the existing cattle market site at Clifton Road, the relocation of the cattle market to Humbleton Farm and the development of the Neasham Road site for housing.

The questionnaire related to all three proposals, however in terms of the proposal for the Neasham Road site the results raised the following issues:

- Of those who responded to a question regarding the acceptability of the site for residential development, 100% (14/14) thought the site was suitable for housing.
- The majority of respondents considered the layout, scale, appearance, access and landscaping of the proposals to be acceptable.

A number of concerns were highlighted relating to the following matters:

- Suitable linkages to Darlington need to be considered such as improvements to the bridge under the railway to encourage walking,
- Layout problems with access opposite the football stadium, traffic congestion and noise issues will result.
- Neasham Road and the bridge are too narrow to accommodate the development.
- Resident parking will be required as there will be problems associated with match day parking.
- Access does not appear to be adequate.

In response to the concerns raised, the statement advises that the layout of the proposal has been amended to have vehicular access from the site entrance with the existing lane to be altered to pedestrian access only.

The statement submitted with the application accords with the Council's SCI guidelines insofar as it provides details of the extent of the area consulted, where any event was held and how it was publicised and a summary of all comments received and the issues raised. It is considered that the analysis of the comments received and how the scheme has been amended and if not, why not, is limited and relates only to concerns regarding the access to the site. No explanation has been given as to why other concerns have not been addressed in the scheme. The main concern of the statement is that the event was held more than two years prior to the application being submitted and the responses are therefore considered to be out of date. However the guidelines are advisory only and an application cannot be refused, neither can the applicants be required to undertake further consultation work, on the basis that they have not been adhered to.

Other Issues Raised by Objectors

A number of issues have been raised by objectors to the proposal, which have not been addressed in the main body of the report. One of the issues raised is that local services such as doctors' surgeries and schools cannot support the extra population arising from the proposed development. The Council's Children's Services Department has been consulted on the application and advise that while the nearest primary schools to the Neasham Road site do currently have small pockets of surplus places, this is not at a level that could accommodate any of the proposed housing development. If the development goes ahead without providing additional primary school places there is an extremely high risk that many of the families moving to the area would not be able to obtain a school place or would have to travel significant distances to other parts of the town. Developers would need to make a capital contribution towards either expanding a primary school in the area or major remodelling and expansion works at a number of schools across the area combined with improved access routes to and from Neasham Road. Although there is not as much concern about places in the secondary school sector, increasing primary school places will have a knock-on effect at secondary level eventually and a developer contribution would also be required to increase places at secondary level.

The need for the development in the current economic climate has also been raised. The prevailing economic circumstances are not however considered to be a material planning consideration in determining a planning application. The market will decide if there is a need for the proposed development. If not, then the site would remain unsold and any permission granted would simply lapse.

The matter of service disruption to properties during the construction period and also disruption i.e. noise, dust etc., arising from construction activities has also been raised. It will be the responsibility of any developer to ensure that services to existing properties are maintained, and restored if affected, during the construction period.

The future occupancy of any units of affordable housing on the site would be managed by the Housing Association.

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 proposed residential development would be located on a site outside the defined development limits of the urban area of Darlington. The proposed development is also on a major greenfield site, which is not considered to be a sequentially preferable location and would also adversely affect the Council's ability to contribute to the achievement of national, regional or sub-regional housing delivery objectives. Furthermore it is not considered that development of this site is required to meet national, regional or sub-regional housing delivery objectives. As such the development is contrary Policies E2 (Development Limits) and H3 (Locations for New Housing Development) of the Borough of Darlington Local Plan 1997 and Policy 4 (The Sequential Approach to Development) of The North East of England Plan, Regional Spatial Strategy to 2021. The Local Planning Authority is not satisfied that the proposed development

meets the criteria for enabling development, which would justify the fundamental policy objections being set aside in this instance.

It is also considered that insufficient information has been provided on matters of noise and ground investigation work to satisfy the Local Planning Authority that the residential amenities of future occupants of the proposed development would not be unacceptably affected by these matters. As such the proposed development is considered contrary to Policies E49 (Noise-Sensitive Development) and E47 (Contaminated and Unstable Land and Development) respectively of the Borough of Darlington Local Plan 1997.

Notwithstanding the submission of a Travel Plan with the application, the location of the site on the edge of the built limits to Darlington is not considered to be well located so as to provide sustainable travel choices for future residents of the proposed development. It is therefore considered that the proposed development would not be a sustainable form of development as it would be largely a car based development and would be contrary to Policy 4 (The Sequential Approach to Development) of The North East of England Plan, Regional Spatial Strategy to 2021 and advice contained in Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

There are also a number of matters upon which further negotiation would be required should Members be minded to grant the application. In summary those issues include:

- The possible re-design of the layout of the southern end of the site to avoid Northumbrian Water's apparatus;
- Further work on the Transport Assessment and Travel Plan as required by the Highways Agency;
- Amendments to the proposed layout of the scheme to address the concerns of the Police Architectural Liaison Officer;
- Further site investigation works and noise monitoring to address the concerns of the Council's Environmental Health Officer;
- Further work is required to satisfy the concerns of the Council's Countryside Section regarding the protection, retention and creation of biodiversity on the site; and
- A survey of existing trees and hedgerows on the site and an assessment of how the proposed development will impact upon these in the form of an Arboricultural Implications Assessment and a Tree Protection Plan.

Officers have not undertaken such negotiations given the fundamental policy objections to the scheme.

Should Members be minded to grant planning permission, the application would need to be referred to the Secretary of State for Communities and Local Government (Government Office for the North East) under The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 on the basis that the proposed development consists of more than 150 houses or flats and that because of the scale or nature or the location of the land would significantly prejudice the implementation of the development plan's policies and proposals. The Secretary of State would then determine whether the application should be called-in or direct that the Local Planning Authority may determine the application.

RECOMMENDATION

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed residential development, on land located outside the defined development limits of the urban area of Darlington, is contrary to Policies E2 (Development Limits) and H3 (Locations for new Housing Development) of the Borough of Darlington Local Plan 1997. The Local Planning Authority is not satisfied that the proposed development meets the criteria for enabling development, which would justify the fundamental policy objections to the proposal being set aside in this instance.
2. The proposed development, by reason of its isolated location outside of the urban area, is contrary to Policy 4 (The Sequential Approach to Development) of The North East of England Plan, Regional Spatial Strategy to 2021 which indicates that in selecting locations for development priority should be given to previously developed land and buildings within urban areas, then other suitable locations within urban areas, then suitable sites in locations adjoining urban areas, particularly those involving the use of previously developed land. The site is a greenfield site outside of the urban area and its selection for development would only be made if sufficient sites in all other categories were not available. The applicant has not submitted any information to advance a case that this is the most sequentially preferable site. The development of this large, greenfield site for residential purposes on the scale proposed, would undermine the Council's ability to contribute towards meeting the target percentage of previously developed land to be redeveloped for housing as set out in The North East of England Plan, Regional Spatial Strategy to 2021.
3. The development of this large, greenfield site for residential purposes on the scale proposed, would undermine the Council's ability to contribute towards meeting the target percentage of previously developed land to be redeveloped for housing as set out in the North of England Plan, Regional Spatial Strategy to 2021.
4. Development of this site in view of its size and location is not, in the opinion of the Local Planning Authority, required to meet national, regional or sub-regional housing delivery objectives.
5. No evidence has been submitted by the applicant to demonstrate that adequate mitigation measures could be put in place to protect the occupants of the proposed residential development from noise associated with the approved sporting and non-sporting uses at the football stadium opposite. As such adequate standards of residential amenity, with particular regard to noise nuisance, are unlikely to be achieved and the proposal is therefore considered to be contrary to Policy E49 (Noise-Sensitive Development) of the Borough of Darlington Local Plan 1997 and advice contained within Planning Policy Guidance Note 24 'Planning and Noise'.
6. In the absence of adequate site investigation work submitted with the application, it cannot be guaranteed that the development of the site can be carried out without risk to those working on the site or future occupants of the site. In this regard the proposal is considered to be contrary to Policy E47 (Contaminated and Unstable Land and Development) and advice contained within Planning Policy Statement 23 'Planning and Pollution Control'.
7. Notwithstanding the submission of a Travel Plan with the application, the proposed residential development site is not considered to be well located so as to provide sustainable travel choices for residents. The existing bus service is infrequent and access to more frequent bus services is beyond an acceptable walking distance. The site is not connected to the town by good, safe cycling routes and distance to local facilities is such that walking would not be the obvious choice. It is therefore considered that the proposed development would not be a sustainable form of development as it would be largely a car based development and would therefore be contrary to Policy 4 (The Sequential Approach

to Development) of The North East of England Plan, Regional Spatial Strategy to 2021 and advice contained in Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.