

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3rd February 2016

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APPLICATION REF. NO: 15/00976/OUT

STATUTORY DECISION DATE: 4th January 2016

WARD/PARISH: MIDDLETON ST GEORGE

LOCATION: Land off High Stell Middleton St George,
Darlington

DESCRIPTION: Erection of up to 200 dwellings including
landscaping, open space, highway improvements
and associated works.

APPLICANT: Mr P Foster.

CONTEXT

Members may recall considering a similar application at the 8th July 2015 Committee meeting where it was resolved to refuse permission on grounds of lack of local school places and impact of traffic on local residents. This application hopes to address those concerns in that there is an additional access proposed to the application site and agreement has been reached with the Education Authority regarding expansion of the existing school in the village.

Members need to be aware that that an objector has contacted the Department of Communities and Local Government requesting that the application be “called in” should Members be minded to approve the application. The application will then be referred to the Secretary of State to allow him the opportunity to determine the application if he so wishes.

SITE HISTORY

Planning application Reference 15/00041/OUT for up to 200 dwellings refused 15th July 2015.

APPLICATION AND SITE DESCRIPTION

Middleton St George is a large village located some five miles (eight kilometres) east of central Darlington and two miles (three kilometres) from the A66 (T). Teesside Airport lies two miles (three kilometres) south west of the site and Yarm is six miles (ten kilometres) away, also to the south west. The separate village of Middleton One Row lies over a mile (two kilometres) south of Middleton St George.

The application site is located on the western edge of the village centre and comprises an agricultural field of 8.46 hectares bounded on two sides by more fields and on one side by the village Water Park. The eastern boundary abuts existing residential estate development at High Stell / Grendon Gardens. Vehicular access to the site is proposed via a strip of land off Grendon Gardens.

Outline planning permission is sought for residential development and associated highway and drainage infrastructure, together with amenity open space on land to the west of Grendon Gardens/High Stell, Middleton St. George. The application is submitted in outline with all matters of detail reserved save for means of access from the public highway. The application proposals can be broken down as follows:

- Up to 200 dwellings of which up to 160 would be market dwellings (family housing)
- Affordable housing (20%)
- Amenity open space (1.36 hectares)
- Associated highway improvements and drainage infrastructure, with access taken from both Grendon Gardens and High Stell.

No details are provided of the proposed housing mix at this stage although any subsequent reserved matters application will seek to respond to the identified housing needs and aspirations for the locality, and the Borough as a whole. At this time the mix is envisaged to include primarily family 3 and 4 bedroom dwellings, with a smaller element of 2 bed properties.

In accordance with the Council's Planning Obligations SPD (January 2013), provision will be made for 20% affordable housing (up to 40 units) which is the maximum number of houses that a development of this scale could be expected to deliver in the current market.

Illustrative plans have been prepared to demonstrate the layout and design principles for the site. These indicate vehicular and pedestrian access to the site from Grendon Gardens and High Stell to the west although the layout will further allow pedestrian access to neighbouring rights of way to promote greater permeability.

This is an outline application so details of the internal road layout, footpaths, private drives etc will be finalised at the detailed planning stage should outline planning permission be granted.

The applicants have stated that it would work towards entering into a Section 106 Agreement which would provide funding to extend the local primary school, improve local open space and play provision, secure the extension and improvement of a pedestrian cycle route between the appeal site and the centre of the village and facilitate off-site highways works.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS4 – Developer Contributions

- CS10 – New Housing Development
- CS11 – Meeting Housing Need

The National Planning Policy Framework 2012 is also relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

Other Documents

Planning Obligations SPD, January 2013

RESULTS OF CONSULTATION AND PUBLICITY

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

The Local Member of Parliament has objected to the proposals, mainly on the grounds of the development's impact on local school and Doctors' Surgery capacity and highlights the fact that no planning application has been submitted to extend the school.

Some 160 objections have been received from local residents (many have written in twice) and the points raised are summarised below:

- *Traffic levels are already high – this development will result in a large increase.*
- *The road network is of a poor standard to take extra houses on this scale*
- *Local residents will suffer as a result of extra traffic from 200 new houses.*
- *The location of the proposed access point to Grendon Gardens is dangerous – it gets very congested when the schools turn out.*
- *Bus services in the area are inadequate.*
- *The proposed density of dwellings is too high.*
- *There would be noise and disturbance during construction.*
- *There is no capacity in the local school.*
- *The Doctor's surgery is already not large enough. .*
- *Local shops and services will not cope with more families.*
- *There would be a harmful impact on ecology and habitat.*
- *The amount of affordable housing proposed is inadequate.*
- *There is no need for affordable housing.*
- *There is no need for more housing.*
- *There are many houses for sale and rent in the area.*
- *Previous developments have been on brownfield sites not greenfield. .*
- *Middleton St George has already seen a lot of development in recent years.*
- *There are brownfield sites available in Darlington.*
- *Bus and train service not good enough to tempt people from their cars*
- *There are problems with sewerage and drainage in the area and the proposal will make this worse.*
- *The development will expand the village into a town / part of Darlington conurbation.*
- *The proposal is not in keeping with the area.*
- *The site is outside of development limits.*
- *The proposal would be contrary to the National Planning Policy Framework.*

- *The Making and Growing Places Preferred Options Development Plan Document 2013 does not support additional houses in this area.*
- *Supporting statement does not detail how the proposed development will improve the facilities within the villages.*
- *NPPF states that planning decisions should be guided by local opinion.*
- *Impact of development on adjacent waterpark will harm ecology etc*
- *Light pollution will impact on waterpark*
- *Northumbrian Water comments not detailed enough – why are there no sewage disposal problems identified.*
- *Recent housing figures indicate that we have a 5 year supply plus buffer.*

An objection was received from **MD2 Consulting Limited** on behalf of **Middleton St George Parish Council**. This is reproduced in full at their request.

*We wish to make formal comment upon the above application on behalf of our client, **Middleton St George Parish Council**, which **strongly objects to the submitted proposals**. The Local Planning Authority is no doubt already aware of anger and frustration in Middleton St George following the outcome of the Gladman Public Inquiry, which resulted in the grant of outline planning permission for 250 new residential units in the village. The above application, in outline, proposes up to a further 200 residential units on another major Greenfield site and even more large scale housing consents are proposed locally, such as an “enabling residential development” for around 350 more houses in the Durham Tees Valley Airport Master Plan.*

*2. Many of the arguments being put forward by the applicant in favour of the current proposal have been addressed by the submission of reports, to try to justify the applicants case, including a detailed analysis of housing numbers in the Borough of Darlington, which in turn makes extensive reference to related issues in the Inspector’s Report on the Gladman appeal decision. We are aware that the current planning policy position in Darlington is now in a state of flux until such time as the Borough Council has fully addressed the issue of housing numbers regarding which, a report has just been released by the Council on the subject of objectively assessed housing need. **Middleton St George Parish Council feels that this development proposal is seeking to exploit a weakness in Darlington Council’s position and that the council should simply not yield to this perceived weakness.***

*3. 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, Middleton St George Parish Council 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 and which is in an unsustainable location compared with other available sites in the Borough of Darlington.***

*4. Consequent on 3. above the applicant’s case infers that delivery of housing numbers can and should happen just about anywhere in the Borough, rather than the more logical places, which are within the town of Darlington and on the various Greenfield sites on its urban periphery, and which are **sequentially preferable to the potential transformation of villages like Middleton St. George into large unsustainable dormitory towns**. This is exactly opposite the locally held view and a main reason why Middleton St George Parish Council started work on a Neighbourhood Development Plan. The Parish Council has already consulted the community on a draft strategy, a core part of which reads:*

The strategic priorities for the Neighbourhood Development Plan set by the community are to (i) retain a village character for Middleton St George, (ii) maintain and where possible improve the

quality of life for existing residents and (iii), maintain and where possible improve local services and infrastructure.

*New developments that are genuinely sustainable, **modest** in extent and **meet the needs of existing residents** in line with the findings of (the evidence base on housing) are likely to be consistent with these strategic priorities. This includes some new development, to meet demographic changes, to support local economic activity and in particular to maintain health services.*

Further major residential development is considered inappropriate in Middleton St. George and would not constitute good planning.

The cumulative effect of the Gladman approval and the current High Stell application, if approved, threatens to transform Middleton St George into a large commuter town with only limited services and infrastructure and will derail the strategy of the NDP.

5. The Parish Council also feel that approval of this development is strongly detrimental to village services.

Critically, this includes the additional pressure on a single primary school which is already over capacity. We should point out that the information provided by the Council to the Inspector at the Gladman appeal on projected school numbers on which he based his decision was erroneous and in fact far more critical than reported since the projected pupil numbers would have an incremental growth effect. The Council eventually conceded that the figures were incorrect and subsequently reworked them to show that capacity is already well exceeded (even though Gladman is now phasing its development over six years instead of five).

We also challenge the view that a financial contribution proposed by the developer for High Stell to increase the size of the school on a site which lacks expansion capability (without loss of open space/playing pitches) and which requires complicated highway works (which are expected to prove deeply unpopular locally) would in any case not solve the issue of insufficient school places. Additionally, we are extremely concerned that there would be a growing number of secondary school pupils, who would have to undertake commuting out of the settlement for purposes of education. This is fundamentally unsustainable.

Low Dinsdale Parish Council objects to the proposals for the following reasons:

- St George's Academy at full capacity
- High Stell will take most of the extra traffic generated by the proposal and suffer as Grendon Gardens would have done under the previous application – in particular construction traffic.
- Proposals will conflict with the pending Neighbourhood Plan.
- Current proposal will not benefit the village or produce significant local economic growth unlike the proposed Airport development.
- The village cannot mitigate the impacts of the extra traffic generated by the proposed development – there will be increased road safety issues as a result.
- The benefits of new housing supply as proposed are outweighed by the impacts on sustainability, local residents and the quality of life within the village in general.

The **Campaign to Protect Rural England** objected to the application and raised the following points which have been summarised from the original submission:

- Local services such as the school, the doctors and the dentists, are already oversubscribed and unable to cope with local demand. The addition of 200 dwellings will exacerbate that

situation. Residents will either not have access to facilities or will have to travel outside the village to access them, which is not sustainable.

- There have been recent incidents of the local sewerage system in the village overflowing into the streets. This indicates a lack of capacity the proposed development would exacerbate.
- The residents have major concerns regarding highways safety.
- It is noted the development master plan has only one access point which we understood is not welcomed by the emergency services who prefer two or more different access points.
- **National Planning Policy Framework** (Framework) This document has “standing” whatever the outcome of the Gladman appeal. We would make reference to certain paragraphs in the Framework: “Pursuing sustainable development involves...improving the conditions in which people live, work, travel and take leisure:” In our view “...the conditions in which people live, work, travel...” in Middleton St George will suffer a negative impact if the proposed development is permitted and reduce the overall sustainability of the village.
- “Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas” In our view this means taking account of the historic major increase in housing numbers within the village as old industrial and employment sites have been developed for housing. The amount of housing in Middleton St George has expanded significantly in recent years, but the services have not expanded at a matching level. In our view it is not possible to sustainably expand Middleton St George any further.
- There is a “presumption in favour of sustainable development” and states “For decision taking this means: Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent of relevant policies are out-of-date, granting permission unless:
“Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in the Framework indicate development should be restricted”
- The Framework states “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.” This indicates the Framework considers school provision important.
- To permit the proposed development would have a seriously negative effect on school provision in Middleton St George and in our view be counter to the Framework.

School Place Planning Officer – A feasibility study has concluded that St George’s Church of England Academy can be expanded by 105 places subject to planning approval. Therefore the expected pupil yield from the houses on the proposed High Stell development could be accommodated at an expanded St George’s Academy. Education Services will be seeking a section 106 contribution as per the DBC Planning Obligations Supplementary Planning Document (Planning Obligations SPD) 2013.

Environment Agency – No objections subject to drainage conditions being attached to any permission granted.

Environmental Health – No objections provided certain noise, contaminated land and working times conditions are attached to any planning permission granted.

Highways England – A Holding objection has been issued on grounds relating to the development’s impact on the strategic road network and a Travel Plan. Whilst this holding objection cannot be lifted until a suitable worded Section 106 Agreement is signed, the

Highways Agency have confirmed that they have no objection to the development subject to the signing of a Section 106 Agreement. Similarly the applicants have confirmed they are willing to enter into an Agreement as detailed in discussions with the Highways England thus far. It is considered therefore that the Holding Objection should not form part of any reason to refuse planning permission for the proposed development.

Darlington Borough Council Highways Engineer – Has studied the revised transport Assessment and notes that traffic generated by the development will not detrimentally impact on the local highway network and that the road junctions will operate within capacity limits. Accident rates are low in the Middleton Lane area near the two proposed accesses.

The addition of a further access to the site via High Stell will reduce the impact of the development on residents on The Greenway and improve traffic circulation as it will be divided between two rather than one access.

Highway Officers have conducted traffic surveys in the area and they concur with the applicants that flows are and will be within acceptable tolerances. The existing roads are of adequate width to carry the additional traffic generated by the proposed development, and the form and placement of the proposed site access has been approved by the emergency services.

Overall the Highways Engineer has no objections to the proposals subject to a number of conditions relating to internal road layouts, existing road condition, car parking and other highway related matters.

Sustainable Transport Officer – No objections to the submitted Travel Plan. Some concerns regarding access to and from the site on foot, particularly via the nearby PROW network. Proposed cycling initiatives are welcomed. Contributions towards sustainable transport will be required should planning permission be granted.

Site road network speed limit should be 20mph as there are a lot of green open spaces shown on the plans.

Much of the site lies beyond the recommended walking distance to bus stops.

Rights of Way Officer – No objections at this stage but would expect the condition/surfaces of the existing public rights of way to be improved should any planning permission be granted.

Northern Gas – No objections

Northumbrian Water – Have confirmed that foul sewage can be disposed of into existing facilities. Have confirmed that surface water can be discharged into local watercourses – not the sewerage system. Have requested conditions be applied to any planning permission given.

The existing sewer that passes through the site should be diverted or protected from any development that is permitted.

Ecology Officer – No objections received to the proposals.

Durham Archaeology – Has requested site evaluation based on results of desk top assessment. There is some potential for prehistoric and Roman remains on the site.

PLANNING ISSUES

This is an outline planning application the purpose of which is to establish the principle of residential development in this particular location. All other matters except the access points from Grendon Gardens and High Stell remain as reserved matters to be submitted at a later date.

Planning Policy

The Local Planning Authority is required to plan positively for housing development to meet the needs of its area. The Council has completed an Objectively Assessed Need study, compliant with the National Planning Framework (2012) that demonstrates that the current housing need is estimated to be over 11,000 dwellings during the period 2011 to 2036. The adopted Core Strategy does not provide sufficient new dwellings in the plan period to meet this need and in such circumstances the Council has recognised through policy CS10 the need to consider positively new and additional development sites that are located on the edge of town or on the edges of or within the larger villages. The application falls within this policy context and subject to site specific considerations is considered to be compliant with both the NPPF and policy CS10.

As noted above, this Council is not yet able to demonstrate that it has a five year supply of deliverable housing sites.

The Gladman Appeal Inquiry Inspector made the following observation:

I conclude that the Council has not demonstrated a five year supply of deliverable housing sites. Paragraph 49 of the Framework says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The presumption in favour of sustainable development in paragraph 14 therefore applies.

In view of this material consideration, the current planning application has to be determined taking into account relevant policies within the National Planning Policy Framework (the Framework) as the relevant housing supply policies of the Council's Development Plan are considered to be out of date.

At paragraph 14 the Framework says that there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. Sustainable development is thus a multi-faceted, broad based concept.

Economic role

Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. The Inspector at the Gladman appeal found that at the present time Darlington appears to be falling short of its requirements in terms of housing construction. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract some weight.

Shopping and community provision in Middleton St George is perceived as good for a settlement of its size, there being a number of shops, including a chemist as well as a variety of services that include a health centre and a dentist. Additional population, residing in the proposed development, would undoubtedly generate more expenditure to support these types of business, which in many rural communities are under threat. In addition the proposed development would be likely to positively contribute towards the economic prosperity of Darlington Borough as a whole.

Taking the above into account therefore it is considered that the proposed development would contribute positively to the economic dimension of sustainability.

Social role

The proposal would contribute to the supply of housing at a time when there is an accepted need to increase the supply. The applicants have confirmed it would provide 20% of the dwellings as affordable housing, which is in accordance with Core Strategy Policy CS11. The applicants have stated that it would work towards entering into a Section 106 Agreement which would provide funding to extend the local primary school, improve local open space provision, secure the extension and improvement of a pedestrian cycle route between the appeal site and the centre of the village and facilitate off-site highways works.

The Gladman appeal Inspector found that Middleton St George is a socially sustainable settlement. As well as the facilities referred to above he considered that there is a thriving local community with numerous activities taking place throughout the week. There is a railway station with a half hourly service to Darlington and Teesside (hourly on Sundays) and a bus service with similar frequencies to Darlington. Both are within easy walking distance of the appeal site as are the village shops, services and facilities. The Framework at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. The current application site is arguably in closer proximity to the facilities referred to above than the Gladman site.

The Council's Education and People Services section confirm that the local school can be extended to facilitate both the Gladman site and this site's additional school place requirements. Financial contributions will be sought via a Section 106 Agreement in accordance with the Council's Planning Obligations SPD. A feasibility study carried out since the Gladman appeal decision has increased confidence that the school can be extended to cope with additional demand for school places arising from new residential development proposed in Middleton St George.

Taking the above into account therefore it is considered that the proposed development would contribute positively to the social dimension of sustainability.

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Environmental role

The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless, that does not mean that those other considerations, including the protection of the amenities of local residents, should be disregarded altogether.

Paragraph 14 of the Framework states that in presuming in favour of sustainable development, permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

Mention has been made above about the numbers of new dwellings to be served by the Grendon Gardens/Greenway and High Stell routes onto Station Road. Up to 200 proposed dwellings in addition to the approximately 135 dwellings along both access routes remains below the threshold of 300 dwellings *per route* which guidance suggests is acceptable for the width of the proposed access routes. The Highways Engineer commented that whilst the use of two access points to the site would dilute the impacts of extra traffic on local residents, the increase in traffic would still be likely to result in some amenity problems for existing residents, especially during construction, but he could not object on highway safety grounds.

The original planning application included access to the site only via Grendon Gardens, which whilst being at the limits of acceptable width in highway safety terms would have been likely to result in unacceptable noise and disturbance to local residents from the passage and manoeuvring of vehicles associated with the whole of the proposed development.

The current proposals divide the traffic generation between two access routes and as such it is now considered that the cumulative impact of the additional traffic on residents along Grendon Gardens and High Stell falls within acceptable limits in terms of material harm to residential amenity. This opinion includes impacts caused in the short term by construction traffic. Any planning permission that is granted will include a condition requiring the preparation of a Construction Management Plan which will reduce residential impacts to acceptable levels.

A Travel Plan has been prepared which includes a number of initiatives supported by the Council’s Sustainable Transport Officer, these will reduce car borne traffic to an extent as to help alleviate the amenity problems referred to above.

Taking the above into account therefore it is considered that the proposed development would contribute positively to the environmental dimension of sustainability.

Other sustainability considerations

The applicant highlights a number of economic, social and environmental benefits of the proposed development in support of their application. Given the scale of the proposed development, it is accepted that if granted planning permission, the proposed development could contribute to local economic growth and to New Homes Bonus (NHB) receipts for the Council. However, Members are reminded that little weight should be given to the New Homes Bonus as such issues are not material planning considerations.

The assumptions about the extra household expenditure are also questionable, and appear to be overstated, e.g. they do not take account of expenditure by future residents outside the Borough, and that a high proportion of future residents may well be existing residents of the Borough.

The proposed development will however help to deliver houses of the sizes and types that the Strategic Housing Market Assessment indicates are needed to bring about a more balanced overall housing stock, although these are already being delivered on sites already under construction or will be delivered shortly on sites for which planning permissions have been granted, in locations that accord with the Core Strategy spatial strategy.

Other issues raised by third parties

Many issues raised by objectors such as sewage capacity, school place capacity, road capacity etc have been addressed by consultees and documented above. There are other issues that have been raised however and they are detailed below.

- Doctors surgery – The existing surgery is said to be at capacity and may indeed close or relocate. There is no requirement for the Council to provide a doctors surgery in any settlement – it is purely a commercial decision by a Doctors’ Practice. It is one of a number of local facilities that are desirable to have within a village but not one which would determine whether residential planning permission should be granted or not, however the construction of new dwellings within the village may have the effect of increasing the likelihood that such facilities will remain available.
- Ecology impacts – No specific issues have been raised by consultees in this regard that cannot be covered by condition at this outline stage. The submitted ecological survey concludes :

None of the habitats that will be impacted by the proposed development were considered to be of significant ecological value e.g., not classified as local or UK Biodiversity Action Plan habitat.

The proposed development will include the retention of the boundary hedgerows with the creation of a green corridor across the site. At the detailed design stage an appropriate Ecological Mitigation and Enhancement Strategy along with a suitable Management Plan will be required. A condition has been imposed which requires site works to clear certain hedges and trees to only be carried out outside the bird breeding season.

- The Neighbourhood Plan – This Plan was launched in January 2014 and its references to Core Strategy locational strategy and housing numbers rely on what the Gladman Inquiry Inspector concluded was out of date housing policies in the Core Strategy. The Inspector agreed that until the Council has up to date housing policies in place which are reflected in the Neighbourhood Plan then little weight can be attached to the document in planning terms.
- Impact on the landscape – There are no particularly significant landscape features within the application site, although the reservoirs to the north of the site have some wildlife interest. The Council commissioned a Landscape Sensitivity survey of potential housing sites in September 2015 which concluded that the application site was of “low” landscape and visual sensitivity, and whilst it includes good public footpath connections to open countryside beyond, the site was considered to display a high capacity for residential development as a continuation of the existing residential development to the east.
- Character of the village – The location of the application site is such that it is not visually seen as part of the fabric of the main village – indeed it is outside the development limits of the village as defined in the Local Plan. Its development may be seen as a natural extension of the Grendon Gardens/High Stell estate. There will be some impacts on the village infrastructure from the increase in vehicular traffic generated by the current proposal, but this is not seen as having such a detrimental impact as to warrant refusing planning permission.
- Surface water and sewage drainage – Officers have consulted Northumbrian Water, aware that local residents have concerns relating to the capacity of the local drainage network to take existing and proposed levels of discharge. NWL stated :

We would have no issues to raise with the above application Foul water must connect into manholes 3403 or 3601. No surface water can enter the public sewerage systemit may be able to discharge directly to the ditch to the south west of the site.

There are a number of options available to the developers for surface water discharge and these will be considered in more detail should planning permission be forthcoming.

The conclusions of the Gladman Inquiry Inspector are pertinent and material considerations when considering certain issues in relation to this planning application and are set out below :

In addition to having housing policies that are now out of date, Darlington cannot demonstrate that it has a five year supply of housing land and the Framework urges every effort to boost the supply of housing. Despite the Council's recent efforts to boost the supply of housing land, the evidence suggests that there is not a five year supply. Policy CS10 says that where the strategy is delivering 80% or less of the average net additions to existing stock required, windfall housing in appropriate locations at the urban fringe and then within or adjacent to the larger villages may be permitted, provided that early delivery of such development is secured by planning conditions.

Whilst I understand the Council's desire to maintain a sequential approach to the distribution of new housing sites, the fact remains that there is no site allocations plan and in its absence the market, despite the Council's laudable efforts to dispose of land for residential development, has been unable to bring sufficient land forward to meet the need within or on the edge of the urban area. The strategy has delivered little more than 50% of the target during the last three years and there is no evidence to suggest that the shortfall could be delivered on the urban fringe or within the defined limits of one of the larger villages in the short term. Middleton St George is a larger village and the appeal site is on its edge. As discussed above the site is sustainable, in some respects more so than some sites on the edge of the urban area. The proposal is therefore supported by Policy CS10. These considerations should attract significant weight in favour of the appeal proposal.

It is Officers' opinion that if planning permission was refused for the current application, a subsequent appeal would be successful for the reasons outlined above by the Inspector.

Conclusion

It is considered that whilst the originally proposed development which was refused planning permission conflicted with certain aspects of the National Planning Policy Framework in that it failed two of the three tests of sustainable development, the amended scheme and the current advice relating to extending local education provision enables a positive recommendation to be made by Officers for the current proposals.

It is considered that the introduction of two means of access to the development site and the proposed extensions to the school weigh in favour of granting planning permission in this instance. The objections by local residents are noted and have been considered above, however, and in line with the Gladman Appeal Inspector's decision, it is considered that the urgent need to provide more housing land within Darlington Borough *in appropriate locations* in this instance outweighs the harm that the proposed development will cause in terms of impacts on the local environment and residents.

It is considered that the proposals satisfy the tests laid out within the National Planning Policy Framework as outlined above and that providing a Section 106 Agreement is signed relating to

financial contributions towards expansion of the local school, local highway improvements, sustainable transport and open space provision, then planning permission should be granted.

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.

RECOMMENDATION

That planning permission be granted subject to the signing of a Section 106 Agreement – inter alia - to extend the local primary school, improve local open space and play provision, secure the extension and improvement of a pedestrian cycle route between the appeal site and the centre of the village and facilitate off-site highways works and in accordance with the conditions set out below. Where the Section 106 Agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion and signing of the Agreement.

In the event that the Agreement has not been concluded within the six week period and where there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary criteria essential to make what would otherwise be an unacceptable development acceptable have not been forthcoming.

(Members need to be aware that that an objector has contacted the Department of Communities and Local Government requesting that the application be “called in” should Members be minded to approve the application. The application will then be referred to the Secretary of State to allow him the opportunity to determine the application if he so wishes.)

That the development be permitted subject to the following conditions.

1. Application for approval of the reserved matters shall be made to the local planning authority not later than eighteen months from the date of this permission. REASON To ensure the speedy provision of the site for the approved development.
2. The development hereby permitted shall be begun either before the expiration of;
(a) three years from the date of this permission, or
(b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.
3. B1 – Detailed drawings
4. The development hereby approved shall comprise no more than 200 dwellings. REASON For the avoidance of doubt.
5. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Master-plan, Implementation Strategy and Management Plan, demonstrating

that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.

REASON – In the interests of the character of the locality.

6. Prior to the commencement of the development precise details of the internal highway layout and site access junction including parking numbers and details shall be submitted to and approved in writing by the Local Planning Authority. REASON – In the interests of highway safety.
7. No development shall be carried out unless and until vehicle swept path analysis has been 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, details of which shall be submitted to and approved by the Local Planning Authority. REASON – In the interests of highway safety.
8. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details. REASON – In the interests of highway safety.
9. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail. REASON – In the interests of residential amenity.
10. Prior to the commencement of the development a road condition survey of The Greenway, Grendon Gardens and High Stell should be carried out in conjunction with DBC officers to document any existing damage. If the subsequent review shows further damage caused by construction traffic this should be rectified at the cost of the developer. REASON – In the interests of highway safety.
11. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit. REASON – In the interests of highway safety.
12. No dwelling in the development hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives, targets, mechanisms and measures to achieve its envisaged results, implementation timescales and provision for monitoring as well as arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the local planning authority at intervals of no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full. REASON – In the interests of promoting sustainable transport and travel.
13. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local

planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy.

14. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) A timetable for its implementation; and
- b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. REASON – In the interests of promoting sustainable development.

15. No development shall take place until an archaeological mitigation strategy, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii. Post-fieldwork methodologies for assessment and analyses.
- iv. Report content and arrangements for dissemination, and publication proposals.
- v. Archive preparation and deposition with recognised repositories.
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

REASON - To comply with Policy CS14 (E) (12) of Borough of Darlington Core Strategy Document (2011) as the site may potentially contain features of local

archaeological importance and para. 135 and 141 of the NPPF.

16. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission.

REASON - To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

17. Before any development commences, detailed proposals for the incorporation of features into the scheme that are suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

REASON – In the interests of promoting the welfare of protected species.

18. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the local planning authority and any necessary mitigation plan shall be agreed, implemented and if necessary maintained in consultation with Natural England and confirmed in writing by the local planning authority. REASON – In the interests of promoting the welfare of protected species

19. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. If such a scheme is submitted and approved, the development shall thereafter only be carried out in accordance with the approved scheme. REASON – In the interests of promoting the welfare of protected species

