

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 May 2009

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APPLICATION REF. NO:	08/00073/OUT
STATUTORY DECISION DATE:	2 June 2009
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	Land at Yarm Road, Middleton S t George
DESCRIPTION:	Erection of 36 Dwellings
APPLICANT:	Mr I Ward

APPLICATION AND SITE DESCRIPTION

The application site, which measures some 1.2 hectares in area, is situated on the eastern side of the village of Middleton St George. It is bounded to the west by allotment gardens and to the south by the Saltburn/ Darlington branch railway line. Killinghall Row extends along its northern boundary, beyond which lie traditional terrace houses and more recent residential development in the form of two storey detached houses. Agricultural land adjoins its eastern boundary.

The site comprises agricultural land, which is currently given over to rough pasture. It is rectangular in shape and slopes from west to east and is generally level. The land is enclosed by hedging on all four sides with a number of trees on the periphery of the site. There are no discernable features within the site itself.

The application is in outline and seeks the erection of 36 two storey dwelling houses comprising the following: -

- A terrace of nine, 2 and 3 bedroom houses
- Eighteen, 3 bedroom semi detached houses; and
- Nine, 3 and 4 bedroom detached houses.

As required by the Regulations, the following information has been submitted with the application; Design and Access Statement, details of use, amount of development, indicative layout, scale parameters and indicative access point.

Access to the site would be taken from Killinghall Row.

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI/1999/293) (the "1999 Regulations). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether an Environmental Impact

Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the LPA has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

The starting point for considering the proposal is the statutory development plan. The relevant parts in respect of the proposed development are as follows:-

The North East of England Plan Regional Spatial Strategy to 2021

Policy 2 - Sustainable Development
Policy 4 - Sequential Approach to Development
Policy 7 - Connectivity and Accessibility
Policy 24 – Delivering Sustainable Communities
Policy 30 – Improving Inclusivity and Affordability
Policy 38 - Sustainable Construction

Borough of Darlington Local Plan (1997, with alterations 2001)

E2 - Development Limits
E7 - Landscape Conservation
E11- Conservation of Trees, Woodlands and Hedgerows
E12- Trees and Development
E14- Landscaping of Development
E16- Appearance from Main Travel Routes
E29- The Setting of New Development
H3 - Locations for New Housing Development
H7 - Areas of Housing Development Restraint
H9 - Meeting Affordable Housing Needs
H10 -Affordable Housing in the Rural Areas
H11- Design and Layout of New Housing Development
R4 - Open Space Provision
R6 - Open Space Provision in New Housing Development
T12 – New Development – Road Capacity
T13 – New Development –Standards
T24 – Parking and Servicing Requirements for New Development

Government Planning Policies

PPS3 – Housing
PPS23 – Planning and Pollution Control
PPG24- Planning and Noise
PPS25 – Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

Eighteen letters have been received, including one from a ward councillor, objecting to the proposed development on the following grounds: -

- The development lies outside the development limits for the village.
- The application site is agricultural land. If approved it would set a precedent for further Greenfield sites to be developed.
- There are numerous vacant houses in the village why build more?
- The village is already overdeveloped and the local facilities i.e. doctors' and school are already overstretched.
- The infrastructure for the village e.g. sewerage is not capable of coping with any further residential development.
- We enjoy a picturesque view onto allotments and open fields which would be ruined by the development.
- It will result in a greater volume of traffic on a road that already has problems with speeding cars coming through the village and not sticking to the speed limit and will only increase the traffic congestion in the village.
- There is already limited on street car parking for the residents of Killinghall Row which will be made worse.
- It would result in an increase in anti-social behaviour.
- It would harm the character of the village

Middleton St George Parish Council has registered the following objections to the proposal: -

- It is outside the development area.
- It would add to health and safety issues
- Speeding and danger to cars accessing
- The village infrastructure, e.g. doctor's surgery, school, sewage, traffic congestion etc. cannot support any more housing.

Campaign to Protect Rural England has objected on the grounds that the development falls outside the development limit of the village and to permit the development would set a dangerous precedent.

The Environment Agency has objected to the proposed development on the grounds that insufficient information has been provided with the submitted flood risk assessment submitted with the application to enable them to assess the possible impacts of flooding which may arise from the development.

CE Electric UK has raised no objections to the proposal.

Northern Gas Networks has no objections to the development.

Network Rail has commented that no objection is raised in principle to the development but provide a list of requirements that the developer must meet in order to ensure that Network Rail property is not compromised by the development. The following issues have also been raised: -

- Potential noise issues for future residents of the proposed development arising from the proximity of the railway line to the east. Adequate soundproofing of dwellings should therefore be considered.

- Careful consideration needs to be made regarding the proximity of any trees/ shrubs to be planted adjacent to the railway line. Network Rail would wish to be consulted on any landscaping scheme adjacent to the railway line.
- New lighting adjacent to the railway line has the potential to dazzle train drivers. In addition the location and colour of lights could give rise to the potential for confusion with the signalling arrangements on the railway. Details of any external lighting should therefore be made conditional to any approval
- If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted to ensure that the operational safety of the adjoining railway line is not threatened.
- To avoid potential trespass onto the railway a trespass proof fence of 1.8 m minimum height should be provided adjacent to Network Rail's boundary.

Durham Constabulary Architectural Liaison Officer

The ALO has responded with general advice for housing layouts

Northumbrian Water has not objected to the proposed development but state that the company has apparatus which crosses the site and is shown to be built over by the application and therefore request the imposition of a condition requiring diversion of the apparatus or a resign of the scheme to avoid building over. The imposition of conditions in respect of the disposal of surface and foul water are also sought.

PLANNING ISSUES

The main issues to be considered in the determination of this application are:-

- Planning Policy
- Visual Amenity
- Residential Amenity
- Highway Matters
- Trees
- Flooding
- Contamination/Noise

Planning Policy

Situated on the edge of the village the site is within close proximity to local services such as the school and doctor's surgery and village shops. The village is well served by public transport both in terms of rail and bus services. Locationally therefore the site is considered to be sustainable. Notwithstanding this, the site not allocated for housing development in the adopted Local Plan. Policy H3 states that new housing development will normally be approved within the development limits, including that for Middleton St. George. However, the proposed site is outside the limits to development, as set out on the adopted Local Plan Proposals Map.

Policy H10 of the adopted Local Plan does indicate that housing development outside development limits could be acceptable in exceptional circumstances, where it meets identified local needs for affordable housing, and if the site is adjacent and well related to a village with adequate local facilities, and provided that a suitable site cannot be found within the limits to development, the needs cannot be met in another way and the development is small scale, reflecting and respecting its surroundings.

The applicant's Design and Access Statement indicates that the proposal is for private housing development, with at least 20% affordable housing content. This is contrary to Policy H3 and H10 of the adopted Local Plan, which indicates that new housing outside the limits to development can only be justified if it is 100% to meet identified affordable housing needs. Even if the location was within development limits and deemed to be acceptable, the 20% of affordable housing offered by the applicant falls well short of the 40% requirement for this area of acute affordable housing need, as set out and identified in the Council's adopted Affordable Housing SPD.

PPS 3 indicates that local planning authorities should consider favourably planning applications for housing where an up to date five year supply of housing sites has not been identified. The Council's recently completed Strategic Housing Land Availability Assessment (March 2009) has identified a five year supply of deliverable sites available for housing in the Borough, so this site is not needed to meet short-medium term housing delivery objectives.

The proposed scheme does not meet other criteria set out in adopted Local Plan Policy H10. Regarding identified local affordable housing needs, whilst the 2005 Local Housing Assessment identified a shortfall of 14 dwellings in the Middleton St. George Ward, consultants who updated the data for the Tees Valley Strategic Housing Market Assessment (SHMA) in 2008 considered that the data was not reliable at this level, and that needs could only be identified reliably for the rural area (a shortfall of 94 dwellings for 2007/08 to 2011/12 inclusive) in general. Furthermore, it is acknowledged in the Tees Valley SHMA that some of the affordable housing needs identified may be met in the private rented sector. This means that the evidence of affordable housing need in Middleton St. George is not conclusive, and the applicant has provided no other local specific information about housing need in Middleton St. George.

In the context of an edge of village development, it is not considered that 35 dwellings is small-scale; schemes of up to 10 dwellings are generally regarded as small scale. Therefore, this scheme does not satisfy criteria 4 of adopted Local Plan Policy H10.

In view of the above comments the proposed development is contrary to Policies H3 and H10 of the adopted Local Plan, and the need for the small amount of additional affordable housing that this scheme would deliver is not of such importance as to outweigh well established adopted development plan policies.

Visual Amenity

The details submitted with the application indicate that the development would be two storey in form which is consistent with the existing built form here. No constructional details of the dwellings have been submitted at this stage and therefore any assessment on the potential impact on the character and appearance on the surrounding area can only be made once reserved matters have been submitted subsequent to any approval.

Residential Amenity

The indicative layout plan that accompanies the application suggests that the scheme would not result in any material harm to the amenities of existing neighbouring residents. Similarly the scheme would appear to provide satisfactory levels of amenity for future occupants of the development itself. However this can only be assessed more thoroughly with the submission of reserved matters regarding layout and scale should planning permission be granted for the proposed development.

Highway Matters

The Council's Highways Engineer has raised no objections to the proposed development but has requested a number of conditions/obligations to include the following: -

- *A visibility splay of 2.4m x 43m must be provided at the access to the development. This will necessitate the removal of a significant length of the hedge on the site frontage onto Yarm Road.*
- *A footway of minimum width of 2m must be provided on the site frontage on Yarm Road, including provision of dropped crossings/tactile paving at the site access and to provide a facility for pedestrians to cross Yarm Road. Provision of this footway will also necessitate the removal of the existing hedge.*
- *Provision of widened section of footway (at an approximate location opposite Beech House), incorporating raised kerbs, for provision of bus stop. There is currently no bus service in this direction, however it is possible that a service would be provided at some time in the future and we should take the opportunity to make provision for stop on a frontage where it would be otherwise difficult to accommodate a stop.*
- *Improvement to street lighting on the site frontage onto Yarm Road.*
- *Relocation of the start of the 30mph limit, including all legal/advertising etc. costs that will be incurred in making alteration to the order.*
- *The development is of such a size that it will not be able to be served by a shared surface access road (as indicated on indicative layout).*

Flooding

The Environment Agency has objected to the proposed development on the grounds that insufficient information has been provided with the submitted flood risk assessment submitted with the application to enable them to assess the possible impacts of flooding which may arise from the development. Additional information has been received from the applicant on this issue, which has been forwarded to the Agency. At the time of writing this report their comments had not been received. Officers will update members of the Environment Agency's position at the Planning Committee meeting.

Contamination/Noise

The Council's Principal Environmental Health Officer Pollution has made the following comments: -

"1) The applicant has answered no to question 15 in the application form with regard to the section that refers to whether the proposed use would be particularly vulnerable to presence of contamination. This is incorrect as the development includes residential housing with gardens, which is a particularly sensitive end use to contamination. Therefore at the application stage a desk study Phase 1 Risk Assessment should have been submitted. The onus is on the applicant to demonstrate the site is suitable for intended future use in accordance with guidance within PPS23.

2) The site is adjacent to a railway, road and an industrial area to the south east of the site, which includes a haulage depot. Environmental Health has received noise complaints with regard to a shotblasting machine at Stanway Commercials, which is positioned just over the railway line from the development site. The proposed housing will be closer to the industrial noise sources than existing dwellings. No noise and vibration report has been submitted with this application in accordance with guidance contained in PPG24, BS4142 and the Calculation of Road and Rail Traffic Noise.

Without the above reports I am of the opinion that I cannot determine the application and would therefore either recommend that the applicant is required to provide these reports before a decision is made or the application is refused."

Trees

There are no trees present within the site itself but a number of trees lie adjacent to its southern and western boundaries, which have the potential to be affected by construction works associated with development. Consequently the Council's Arboricultural Officer has requested the erection of protective fencing around these trees to safeguard the root areas from any compaction, severance, or from material spillage which can be secured by way of condition.

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 application proposes new housing development outside the development limits of Middleton St George, which would not normally be allowed. Whilst the provision of affordable housing on sites outside, but adjoining the development limits may be permitted in exceptional circumstances, this can only be justified if the development is entirely to meet identified affordable housing needs and the development is small scale in nature. The affordable housing provision offered in the application falls short of this. Furthermore, the Council does not consider that there is any conclusive evidence of affordable housing needs amounting to 36 dwellings in Middleton St George and the application does not provide any local housing needs evidence to suggest otherwise. Consequently the proposed development would be contrary to well established adopted development plan policies. Notwithstanding this, the application is deficient in terms of the information submitted and therefore officers are unable to make a proper and thorough assessment of the proposed development.

RECOMMENDATION

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The application proposes new housing development outside the development limits of Middleton St George, which would not normally be allowed. Whilst the provision of affordable housing on sites outside, but adjoining the development limits may be permitted in exceptional circumstances, this can only be justified if the development is entirely to meet identified affordable housing needs and the development is small scale in nature. The affordable housing provision offered in the application falls short of this. Furthermore, the Council does not consider that there is any conclusive evidence of affordable housing needs amounting to 36 dwellings in Middleton St George and the application does not provide any local housing needs evidence to suggest otherwise. The development is therefore contrary to Policy E2 (Development Limits), Policy H3 (Locations for New Housing Development) and Policy H10 (Affordable Housing in Rural Areas) of the Borough of Darlington Local Plan.

2. The Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Statement 25 (PPS25). The submitted Flood Risk Assessment does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
3. No information has been submitted with the application to demonstrate to the Local Planning Authority that the land is capable of being developed without endangering future occupants of the proposed housing development in the event of the possibility of encountering contamination during development and would thereby be contrary to guidance contained in PPS 23 (Planning and Pollution Control)
4. The site is adjacent to the Darlington/ Saltburn branch railway line and in close proximity to employment premises to the south east of the site, which have the potential to create unacceptable levels of noise to the detriment of the residents of the proposed development. A noise and vibration report has not been submitted with the application in accordance with guidance contained in PPG24, BS4142 and the Calculation of Road and Rail Traffic Noise. Consequently the Local Planning Authority is unable to assess the impacts on the development from these noise sources.