

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4th May 2016

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APPLICATION REF. NO: 15/01006/OUT

STATUTORY DECISION DATE: 18th January 2016

WARD/PARISH: MIDDLETON ST GEORGE

LOCATION: Land off Yarm Road Middleton St George, Darlington

DESCRIPTION: Outline application to erect Doctors' Surgery, Pharmacy and up to 26 Dwellings.

APPLICANT: MHP Developments.

CONTEXT

Members will recall considering this application at the April 2016 Committee Meeting where no decision was made as to whether to grant or refuse the application. It is now before Members again with the same recommendation to approve with conditions.

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.

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 agricultural grassland and is located near the centre of the village immediately to the west of the Yarm Road Allotments and to the north of the Darlington to Middlesbrough railway line. It is outside the development limits of Middleton St George.

The application site covers an area of 1.27 hectares of land. The amount of development proposed within the site is broken down as follows:

Healthcare – 0.4 hectares of the site are given over to doctors' surgery, pharmacy and customer parking. The proposed surgery building extends to 425 sqm with room for a 295sqm extension, whilst the proposed pharmacy covers 50 sqm of gross floorspace.

Residential Development – the proposals would provide a total of 0.8 hectares for residential development, providing up to 26 dwellings, at a density of around 32 dwellings per hectare (dph). The illustrative site layout shows a mix of 3 and 4 bed dwellings, although a final housing mix would be agreed at reserved matters stage. Affordable housing will be provided via a financial contribution to the Council subject to a viability assessment of the proposed development. Although the above details have been provided as a guide at this stage, this is an outline application so details of the internal road layout, footpaths, private drives etc will be finalised at the reserved matters planning stage should outline planning permission be granted.

The applicants have provided the following background information relating to the proposal to provide further context to the application:

Felix House Surgery is located on Middleton Lane, Middleton St George and currently serves around 5,620 patients (5% of Darlington's population). The practice has approximately 4,475 patients living within the Middleton St George ward, and a further 699 patients who reside in neighbouring wards where there are no GP practices.

The surgery occupies premises attached to the rear of Dr Marshall's house, who is the senior partner within the practice. The ongoing lease arrangement is classed as "owner occupied" and the practice is reimbursed by the NHS on a notional rent basis. When Dr Marshall retires in summer 2016, the existing agreement will expire and the premises will revert to a residential property or another suitable use. (Subject to planning permission).

Notwithstanding Dr Marshall's imminent retirement, the current premises are cramped, outdated and unable to cope with the anticipated increase in population. Due to a lack of suitable alternative premises within the locality, the practice has already explored alternative sites within Middleton St George and has identified land to the south of Yarm Road with a view to developing good quality, fit for purpose, primary care facilities.

The site is large enough to accommodate the surgery (with room for expansion), a pharmacy and up to 26 dwellings. The construction of housing on two-thirds of the application site will help to deliver the urgently required medical services.

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.

SITE HISTORY

Planning application Reference 08/00773/OUT – 36 dwellings refused permission May 2009. Appeal dismissed 2010.

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

Interim Planning Position Statement April 2016.

This document was agreed by the Council in April 2016 and is intended to interpret the NPPF policies at a local level for Darlington Borough. It will inform decision makers during the process of working on a comprehensive new local plan.

RESULTS OF CONSULTATION AND PUBLICITY

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

Seven letters were submitted objecting to the application and **two in support**. The following issues were raised:

- Noise from railway will affect the site
- Existing surgery should not close
- Surgery acceptable but not housing.
- School oversubscribed – new houses will increase that problem.
- Family homes not needed – smaller ones and bungalows required
- Increased traffic will cause more congestion in the village
- Yarm Road narrow for extra traffic.
- New bus stop and surgery welcomed.

An objection was received from **MD2 Consulting Limited** on behalf of **Middleton St George Parish Council** raising the following points:

- Neighbourhood Plan stalled due to lack of residential planning policy progress in the village.
- Support for the Surgery but not at expense of more housing.
- The nature of the dwelling type is inappropriate – should be a wider mix.

County Archaeologist – Site has potential to include heritage assets. Would prefer to see evaluation work pre decision – see condition 12.

Environmental Health – No objections but recommends conditions relating to protection of residents from noise nuisance, construction work nuisance and contaminated land. Conditions 8 and 16.

Highways Engineer – No objections but requests a number of conditions which relate to road layout, traffic calming and site access onto Yarm road. Conditions 5 – 10.

Northern Powergrid – No objections

Northumbrian Water – No objections providing development is carried out in accordance with the submitted Flood Risk Assessment.

Network Rail – No objections providing their assets are not affected by the development.

Sustainable Transport – Confirms that the site is close to bus and train access. Has commented on the need to improve walking and cycling access to the site via footpath link along Yarm Road. See note below.

PLANNING ISSUES

This is an outline planning application the purpose of which is to establish the principle of residential and surgery development in this particular location. All other matters remain as reserved matters to be submitted at a later date.

The site lies outside the development limits therefore the following policy issues are material considerations.

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.

An important material consideration for Members to address in the determination of this application is the fact that 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.

The three areas of consideration within the NPPF are set out below as far as they relate to this application.

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 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. The local school however is over subscribed and this problem is considered below.

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 or contribute towards affordable housing subject to the outcome of a viability test, which is considered to be in accordance with Core Strategy Policy CS11. The applicants' proposals include a new frontage

footpath along Yarm Road, a new bus stop and a location of the Doctor's surgery to a position closer to the village centre shops and facilities.

Members have acknowledged in a previous decision that Middleton St George is a socially sustainable settlement. It is 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 NPPF at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Whilst the current application site is in a different location to the Gladman site, it is arguably in closer proximity to the facilities referred to above.

The Council's Education and People Services section confirm that the local school can be extended to facilitate both the Gladman site and the High Stell site and have further confirmed that such an extension could accommodate extra pupils generated by the current application should permission be granted.

In addition to the above, the proposal intends to relocate the Doctors' Surgery facility to a more accessible location as the future of the existing surgery is uncertain.

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

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"

The application site is currently grassed agricultural land adjacent an allotment site and opposite an established row of terraced properties known as Killinghall Row and more recent development known as The Beeches. The site is bounded on its southern flank by the Darlington to Middlesbrough railway line.

Taking the above into account, it is considered that whilst the site presents a pleasant visual green area within this part of the village, its contribution to its character is somewhat diluted by the presence of the railway and residential development nearby.

The impact on local residents of the development will be limited to the increase in traffic associated with the surgery and new dwellings. The Highways Engineer has not raised any objections in principle but has recommended certain works to mitigate the impact of increased traffic in the locality. These include relocating the 30mph speed limit boundary, speed reduction measures along Yarm Road, potential upgrading of street lighting, new frontage footpath along Yarm Road and a new bus stop – these last two are already included in the proposals.

It is considered that overall the impacts of the new development as detailed above are outweighed by the benefits of the potential provision of a new surgery and the provision of new housing in line with the need already established.

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

Issues raised by third parties

This application has resulted in objections raising the following material planning issues:

- *Noise from railway will affect the site* – The Environmental Health Officer is satisfied that whilst the railway will be heard, the impacts on residents will not be sufficient to cause concerns.
- *Surgery acceptable but not housing.* - There is a proven need for additional housing in the Borough in sustainable locations.
- *School over subscribed – new houses will increase that problem.* See above under Social Role.
- *Family homes not needed – smaller ones and bungalows required.* The mix of housing has yet to be determined and a condition can be imposed to relating to an appropriate mix of dwellings at reserved matters planning stage.
- *Increased traffic will cause more congestion in the village.* The Highways Engineer has confirmed acceptance of the proposals subject to conditions.
- *Yarm Road narrow for extra traffic.* – As above.

Conclusion

Whilst work on the Making and Growing Places policy document has been stopped for officers to prepare a new local plan for the Borough in the light of the Gladman Inspector's conclusions, it is of note that Draft Policy MGP 31 identified the application site as suitable for a replacement Doctors Surgery. Officers are not aware of any suggestions made by third parties for other locations in the village for a new doctor's surgery.

The current application includes a housing element which previously may have been considered unacceptable in policy terms, however for the reasons given above; there is an accepted need for additional housing in sustainable locations in order to provide a five year supply of deliverable housing land.

The application site is available for development and there is a potential need for a replacement Doctors Surgery. As detailed above, it is considered that the site is sustainable and in accordance with the NPPF.

In view of the above therefore it is considered that the proposed development is acceptable in principle and that 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 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. Notwithstanding the above, the proposed housing mix shall reflect the identified housing needs and aspirations of the locality and Borough as a whole. REASON - To comply with Council Housing Policy
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. 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.
11. Precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footways and associated crossing on Yarm Road to connect into the surrounding infrastructure and bus stop provision and improvements. The development shall not be carried out otherwise than in complete accordance with the approved details. REASON – In the interests of highway safety.
12. 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.

Or

An off-site financial contribution be paid to the local planning authority through a Unilateral Undertaking.

Both the above to be subject to the results of a viability assessment of the proposed development.

REASON – To comply with Council Housing Policy.

13. 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.

14.

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.

15. 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.

16. 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.

17. 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

18. J2 – Contaminated land.