

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 June 2009

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APPLICATION REF. NO:	09/00179/FUL
STATUTORY DECISION DATE:	27 May 2009
WARD/PARISH:	HURWORTH
LOCATION:	Snipe House Farm, Snipe Lane
DESCRIPTION:	Variation of condition 4 of Planning Permission Reference Number 06/00959/FUL dated 14 March 2007 (Residential development comprising 149 dwellings, playing pitch, public open space, car parking arrangements, access roads, landscaping and associated works) to defer implementing the scheme to provide a playing field prior to the occupation of the 75th dwelling, instead of the 50th
APPLICANT:	Miller Homes Limited

APPLICATION AND SITE DESCRIPTION

Planning permission (reference number 06/00959/FUL) was granted in March 2007 for a residential development at Snipe House Farm consisting of 149 dwellings, playing pitch, public open space, and car parking arrangements, access roads, and landscaping and associated works. At the request of Sport England, the following planning condition was attached to the planning permission:

“Prior to the commencement of the development hereby permitted a detailed assessment of the ground conditions of the land proposed for the playing pitch shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality and based on the results of the assessment, a detailed scheme to ensure that the playing fields will be to an acceptable quality shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The approved scheme shall be complied with in full prior to the occupation of 50th dwelling on the approved development.

REASON - In order to for the Local Planning Authority to be satisfied as to the quality of the playing field.”

This is a planning application to request a variation of this condition to defer implementing the playing field until the occupation of the 75th dwelling rather than the 50th.

PLANNING HISTORY

06/00959/FUL In March 2007, planning permission was GRANTED for a residential development comprising 149 dwellings, playing pitch, public open space, car parking arrangements, access roads, landscaping and associated works

07/00942/FUL In December 2007, planning permission was GRANTED for a variation of Condition 16 of Planning Permission 06/00959/FUL dated 14/03/07 (Proposed residential development comprising 149 dwellings, playing pitch, public open space, car parking arrangements, access roads, landscaping and associated works) to revise the layout of plot numbers 1 and 4 to 22 to the rear of Arkle Crescent

PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan are relevant:

- R4 Open Space Provision
- R6 Open Space Provision in New Residential Development
- R7 The Design of Open Space Provision
- R8 Maintenance of Recreation Facilities
- R9 Protection of Playing Pitches

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received from Councillor Hughes as the elected Ward Member for Park East Ward. The letter raises the following issues:

- *As a former member of the Planning Applications Committee, I remember well the discussions that took place at Committee in regard to the condition suggested by Sport England to provide a playing pitch for young people in the vicinity of the new development at Skerne Park. At that time it was thought appropriate that the developers should provide such a facility early on in the development of the site in order to replace land on which houses were to be built that had been previously used for recreational pursuits.*
- *I believe that the need for such facilities for young people in this area is more urgent than ever in light of the economic crisis. The provision of the playing pitch at this stage would help with the social integration of young people in the new properties being built with young people already in the community. I have looked through the application and no clear explanations are offered to justify the variation of the condition*
- *The condition to provide this facility was accepted by the developers and development of the site progressed. Expectation in my Ward runs high that this community sporting facility will be provided now. I believe the community can demonstrate legitimate expectation in this regard and therefore I object to the application for the variation of the condition.*

One letter of objection has been received from the Skerne Park & Parkside Residents Association, which states:

- *Our main objection is really the field/football pitch. We understand that some 20 years ago our then Ward Councillor was able to raise a minute at a council meeting that if the land behind the community centre was ever developed, then the centre would get a football pitch. Over the years various promises have been made to the young people of Skerne Park that a piece of land would be available, but none of these promises/plans have come to fruition. As some of the original young people are now parents with young people of their own, we feel that we have waited too long and that promises should be kept.*
- *The Community Centre and Residents Associations have always been classed as Stake holders and we feel that Miller Homes should explain to us as well as the Planning Committee the reason for the delay especially as the field/football pitch is not included in the 106 agreement*

Hurworth Parish Council

Hurworth Parish Council have raised no objections to the application

Sport England

Sport England has raised no objections to the application.

PLANNING ISSUES

One of the main issues for the Snipe House Farm site was to ensure that the development was well integrated with the existing Skerne Park housing estate. The aim was to ensure that the development would not encourage any practical, environmental or social divisions between the existing and proposed developments. The development would be a focal point within the existing community and provide a new environment that is attractive to both new and existing residents. This was not only achieved by the design and layout of the development but also by the provision of open space and other recreational features and community benefits.

The need for the provision of a playing pitch in this area has been expressed by the community and interested bodies for a number of years. The proposed pitch was located near to the entrance of the development and to the existing Community Centre to ensure that it remains highly visible and accessible to both existing and new residents.

Sport England supported the application subject to the imposition of condition 4) requesting that the playing pitch should be constructed prior to the occupation of the 50th dwelling on the development. Sport England chose this figure on the basis of the time it takes for a pitch to be ready to use from having being laid out. They used the average build rates per annum and worked back from the approved 149 dwellings.

Condition 4) can be broken down into three parts. Firstly, prior to the commencement of the development a detailed assessment of the ground conditions of the land proposed for the playing pitch must be undertaken (including drainage and topography) to identify constraints which could affect playing field quality and it must be submitted to the local planning authority. Secondly, based on the results of the assessment, a detailed scheme to ensure that the playing fields will be to an acceptable quality must be submitted the local planning authority following consultation with Sport England. Finally, the approved scheme must be complied with in full prior to the occupation of 50th dwelling on the approved development.

The first and second parts of the condition have already been completed and agreed between the applicant, the local planning authority and Sport England as part of a request by Miller Homes to discharge the condition in its original form. The main issue to be considered here is whether or not it is deemed acceptable to vary the final part of the condition and increase the implementation trigger to the occupation of the 75th dwelling.

To support their request, the applicant has provided the following statement; *“In relation to the Planning Application to vary Condition 4 of 06/00959/FUL we would like to offer this as a supporting statement for the 3rd June Committee.*

Social integration was without any doubt, the main driver for the Design and Layout of The Pastures. During the extensive pre and post application discussions DBC made it clear that the Playing Pitches along with the wider community facilities were of fundamental importance to the regeneration of the Skerne Park area. Miller embraced this fully without any issue whatsoever and it is clear a scheme was delivered that met all of the criteria.

During the Planning process, information was submitted and agreed based on the buoyant Housing Market at that time. An agreement was reached which triggered the Playing Pitches to practically be completed by the 50th unit, with a minimum of 12 months maintenance period thereafter before being available for use.

However, our application is to vary this to the 75th unit, the reason being that due to the market downturn and the fact that our infrastructure programme has slowed down significantly, we are left with stockpiles of material and infrastructure that are well behind programme. We had hoped to have sold in excess of 40 units by the end of this year and in fact we have only sold 23 units to date as sales have started slowly but lately have been encouraging.

Obviously we also need to generate enough material from on site arisings to form the landscaped areas and the playing pitches, unfortunately the next phase of roads has still not been completed and we are significantly behind our build programme.

The difference in providing the pitches in reality is instead of the current programme of starting in November this year (2009) we propose starting in November 2010 with completion in 2011. It is worth pointing out that the underlying intention during the Planning process was that Sport England wanted the pitches available for use by the time the site was built out, this is certainly still going to be met. We would see the pitches being available for the 2012 season.

Whilst we fully understand the recent views expressed by the Local Ward Councillor, I trust this demonstrates our intent. It is worth adding that before we made the application, extensive discussions were held with Sport England to explain our unfortunate predicament, obviously Sport England confirmed we were certainly not alone in this, and whilst we are not wanting to renege on our objectives, we feel that if we were afforded some flexibility up to the 75 completion, we would be better equipped to provide the facilities. We may not necessarily need to wait until the 75th unit but this would help rather than hinder our programme. We hope that DBC would look to offer support in these difficult times and work with us as I am sure the development would benefit as a whole.

Recent reports would suggest things are picking up and we want to keep the positive momentum going by building a sustainable development in the correct sequence rather than having to suffer because of the 50th unit trigger.”

The applicant has stated further *“The Government and the recently formed Homes and Communities Agency are encouraging everyone to help stimulate the economy and whilst I understand the concerns and the possibility of the market drastically picking up, this is optimistic to say the least. Indications are that it will be well into 2010 before any meaningful signs of recovery are visible. To date, and for the foreseeable future house builders are keeping their heads above water by massively discounting prices which in most cases does not even allow us to break even. This is an important factor and this is part of the reason we are asking for flexibility through the varying of the condition.*

We are trying everything in our power not to mothball the site, and it is a combination of cost saving measures, price reductions and flexibility in our obligations that will allow us to continue with reduced costs that will get us over the down turn period. We have one site already where we have simply closed down to limit the damage of the economy when we can not sell units at a price that is able to support the business”

In their consultation response, Sport England has stated, *“Build rates have slowed substantially since the condition was imposed and it is entirely reasonable that the phasing element of the condition is amended to reflect this. Sport England considers that amending the timing of the completion of the pitch to the 75th dwelling is therefore a reasonable request and therefore has no objection to this application”.*

The Council’s Planning Policy Officer has stated *“The provision of a playing pitch was a key element of the Snipe House Farm development, helping to integrate the new development with the existing community. Whilst recognising the concerns of the Ward Councillor, it is important that the pitch once developed is laid out on a quality, well drained surface and given 12 months to bed in before use. Given the current condition of the housing market and the delays this is having on the development of housing and associated infrastructure, to ensure a quality, safe and well drained playing pitch is provided and to ensure ongoing development in the adjoining areas of the site does not have an impact on the future quality of and access to the pitch for the community, in policy terms the approach is acceptable and officers would reinforce Sport England's response. “*

In the Statement from the applicant, they state that under the provisions of the revised condition, they would expect to begin work on the pitch in November 2010 with completion in 2011. The pitch would be available for the 2012 season. The applicant has agreed to revise condition 4) further to state that the playing field shall be provided prior to the occupation of the 75th dwelling or by April 2011, whichever is the sooner

Whilst officers acknowledge the comments of the Ward Councillor, it is evident that the applicant is in full support of the objectives of the housing development and to providing the playing pitch to the standards set by Sport England however, the current economic climate has affected the build programme for the development. Under the provisions of the revised condition, 50% of the development would be occupied by the time the playing pitch is constructed and officers agree with Sport England, who requested the imposition of condition 4) on the original planning permission, that the request to vary it is reasonable in current circumstances.

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

One of the main issues for the Snipe House Farm site was to ensure that the development was well integrated with the existing Skerne Park housing estate. The development would be a focal point within the existing community and provide a new environment that is attractive to both new and existing residents. This was not only achieved by the design and layout of the development but also by the provision of open space and other recreational features and community benefits.

The need for the provision of a playing pitch in this area has been expressed by the community and interested bodies for a number of years. The pitch was located near to the entrance of the development and to the existing Community Centre to ensure that it remains highly visible and accessible to both existing and new residents. Sport England supported the application subject to the imposition of condition 4) requesting that the playing pitch should be constructed prior to the occupation of the 50th dwelling on the development.

Whilst officers acknowledge the comments of the Ward Councillor, it is evident that the applicant is in full support of aims of the housing development and to providing the playing pitch to the standards set by Sport England however, the current economic climate has affected the build programme for the development. The request to vary the planning condition is considered reasonable in the current economic circumstances.

The following conditions within the Borough of Darlington Local Plan were taken into account:

- R4 Open Space Provision
- R6 Open Space Provision in New Residential Development
- R7 The Design of Open Space Provision
- R8 Maintenance of Recreation Facilities
- R9 Protection of Playing Pitches

RECOMMENDATION

PLANNING PERMISSION BE GRANTED TO VARY CONDITION 4) AS FOLLOWS:

Prior to the commencement of the development a detailed assessment of the ground conditions of the land proposed for the playing pitch shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality and based on the results of the assessment, a detailed scheme to ensure that the playing fields will be to an acceptable quality shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The approved scheme shall be complied with in full prior to the occupation of 75th dwelling on the approved development or by April 2011, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority

REASON - In order to for the Local Planning Authority to be satisfied as to the quality of the playing field

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

One of the main issues for the Snipe House Farm site was to ensure that the development was well integrated with the existing Skerne Park housing estate. The development would be a focal point within the existing community and provide a new environment that is attractive to both new and existing residents. This was not only achieved by the design and layout of the development but also by the provision of open space and other recreational features and community benefits.

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Whilst officers acknowledge the comments of the Ward Councillor, it is evident that the applicant is in full support of aims of the housing development and to providing the playing pitch to the standards set by Sport England however, the current economic climate has affected the build programme for the development. The request to vary the planning condition is considered reasonable in the current economic circumstances.

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