

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 June 2009

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APPLICATION REF. NO:	09/00173/OUT
STATUTORY DECISION DATE:	22 June 2009
WARD/PARISH:	HARROWGATE HILL/NORTH ROAD
LOCATION:	Land At Former Corus Site Whessoe Road
DESCRIPTION:	Proposed residential development (outline application)
APPLICANT:	St Modwen Ventures Limited

APPLICATION AND SITE DESCRIPTION

This application is for a residential development consisting of approximately 250 dwellings, consisting of a mixture of 2, 3 and 4 bed family houses and a small number of 1 and 2 bed apartments. The site measures 7.26 hectares. The application is in outline and seeks approval for the means of access only. All other matters such as appearance, layout and landscaping are reserved for future submissions. However, an Illustrative Masterplan has been submitted to show how the site could be developed

The application site is immediately bounded by Whessoe Road to the east and by the Darlington to Bishop Auckland railway line to the west. A timber merchant forms the northern boundary, whilst to the south are by employment uses on Whessoe Road. The site is split into two main areas approximately two-thirds down the Site by Elmtree Street.

Corus vacated the northern part in late 2007. Since that time and despite extensive marketing to achieve their re-use, the buildings had become increasingly derelict and costly to maintain due to ongoing vandalism. They were demolished in September 2008. This part of the site (between the timber merchants in the north and Elmtree Street in the south) is largely flat. Part of the frontage to Whessoe Road is formed by a large retaining wall. Adjacent to the site, there are a number of employment uses, including a joiners and a printers. St George's Bridge Club lies adjacent to the south-eastern corner of the Site.

The southern part of the site continues to be occupied in part by Tinsley Trailers, a small subsidiary company of Corus. Tinsley Trailers currently employ 36 staff at the site. The lease has a mutual break in 2012 and it is possible that Tinsley Trailers will take advantage of their ability to terminate at that time. Therefore it is likely that the entire site will be vacant within 3 years.

This part of the site (between Elmtree Street in the north and the commercial uses on Whessoe Road to the south) is also largely flat but lies some metres above Whessoe Road and Elmtree Street at its north-eastern corner. It is contained by a large and imposing retaining wall fronting Whessoe Road. The site is level with Whessoe Road at its south-eastern corner. The buildings comprise large industrial brick-built warehouse units, currently used in part for the manufacture of trailers. The remains of railway sidings leading into these warehouse units can also be seen on site.

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) Regulation 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 or not 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 Local Planning Authority has determined that the proposal does not constitute EIA development.

The application has been accompanied by the following documents:

- Affordable Housing Statement and Financial Appraisal
- Biodiversity Study and Report
- Flood Risk Assessment
- Land Contamination Assessment
- Noise Assessment
- Design and Access Statement
- Planning Assessment
- Transport Assessment
- Travel Plan
- Tree Survey
- Employment Land Assessment

In addition to the above, and prior to the submission of the planning application, the applicants carried out a public consultation event. The details of the event are contained within a Statement of Community Involvement document, details of which will be considered within the main body of the report.

PLANNING HISTORY

The majority of the entries in the planning history relate to the employment related uses on the site apart from;

06/00648/CU In August 2006 planning permission was REFUSED for a change of use of part of steelworks site to car sales

PLANNING POLICY BACKGROUND

The following National Planning Guidance documents are relevant:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement Planning Policy Statement 1 Supplement: Planning and Climate Change;
 Planning Policy Statement 3: Housing;
 Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms;
 Consultation Planning Policy Statement 4: Planning for Sustainable Economic Development;
 Planning Policy Guidance 13: Transport; and
 Planning Policy Guidance 17: Open Space, Sport and Recreation

The following policies of the North East of England Plan Regional Spatial Strategy to 2021 (July 2008) are relevant:

Policy 2	Sustainable Development
Policy 4	The Sequential Approach to Development
Policy 6	Locational Strategy
Policy 7	Connectivity and Accessibility
Policy 8	Protecting and enhancing the Environment
Policy 12	Sustainable Economic Regeneration
Policy 20	Key Employment Locations
Policy 24	Delivering Sustainable Communities
Policy 29	Delivering and Managing Housing Supply
Policy 28	Gross and Net Dwelling Provision
Policy 30	Improving Inclusivity and Affordability
Policy 33	Biodiversity and Geodiversity
Policy 36	Trees, Woodlands and Forests
Policy 38	Sustainable Construction
Policy 39	Renewable Energy Regeneration
Policy 54	Parking and Travel Plans

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

E2	Development Limits
E3	Protection of Open land
E11	Conservation of Trees, Woodlands and Hedgerows
E12	Trees and Development
E14	Landscaping of Development
E15	Open Land In New Development
E17	Landscape Improvement
E20	Sits of Nature Conservation Importance
E23	Nature and Development
E24	Conservation of Land and Other Resources
E25	Energy Conservation
E29	Setting of New Development
E45	Development and Art
E46	Safety and Security
E47	Contamination and Unstable Land and Development
H3	Locations for New Housing Development
H4	New Housing Development in and Around the Town Centre and Other Centres
H9	Meeting Affordable Housing Needs
H11	Design and Layout of New Housing Development
H14	Accessible Housing

R1	Designing For All
R6	Open Space Provision in New Residential Development
R7	The Design of Open Space Provision
R13	Recreation Routes and New Development
EP2	Employment Areas
EP5	Other Uses in Employment Areas
T12	New Development – Road Capacity
T13	New Development – Standards
T24	Parking and Servicing Requirements for New Developments
T31	New Development and Public Transport
T37	Cycle Routes in New Development
T39	Conditions for Pedestrians

The following policies within the Darlington Open Space Strategy 2007 – 2017 are relevant:

Policy 6	Overall Standards of Provision
Policy 19	Open Space Provision associated with New Development
Policy 20	Securing appropriate Open Spaces and Their Maintenance
Policy 22	Design of Open Spaces

The following Supplementary Guidance Notes are also relevant

Affordable Housing

Commuted Sums from New Housing Developments for Existing Equipped Play Areas

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received from Fletcher Joinery situated on Whessoe Road. They raise the following concerns:

Approaches were made by this company on at least two occasions to purchase this land for further development of the workshop and or car parking facilities. We approached Corus in the first instance who were apparently in the process of the selling the land (2002). In 2004 we approached St Modwen Developments who were the owners at that time, again to no avail. We didn't even receive a reply to our letter. We are of course still interested and are therefore astounded that we have been told that the land has been put up for residential development due to not being able to sell the land otherwise;

This is a joinery shop which uses sawing, cutting and planing machines, all of which are extremely noisy and require operators to wear high density ear protection. We also have a dust extractor, which is externally mounted which apart from being noisy would be facing one of the proposed dwellings

The workshop operates from 8am to 4:30pm on a daily basis and also on weekends. On occasions work carries through until the early hours of the following morning

There is normally a lot of congestion on this road at 9am to 10am and 3:30pm to 5:3pm due to parents taking children to school and the working population en route, not to mention our deliveries. Traffic is heavy around our premises due to the number of timber wagons and glass

lorries who deliver to us everyday, also hardware deliveries and postal deliveries and our own vans coming and going to various clients

Finally, the main reason we relocated to these premises from Haughton Was because this was industrial designated land and not for housing development

Northern Gas Networks

Northern Gas Networks has raised no objections to the application

Durham Constabulary Architectural Liaison Officer

The ALO has no objection, in principal to a residential development on the site. He has stated *“Because the proposed development abuts the railway line and areas of open land, it will be important to secure the boundary. Homes to the east of the site will be particularly vulnerable because of their proximity to this area which will provide easy access and easy escape routes. I would like the opportunity to comment further when more detailed plans are submitted”*

CE Electric UK

CE Electric UK has raised no objections to the application

Association of North East Councils

The Association of North East Councils concludes, *“This reuse of previously developed land within Darlington reflects RSS locational priorities and some of those for housing development. However, Darlington Borough Council need to be satisfied that residential development in this location will not lead to the loss of important employment land. In addition, for the proposal to be considered in general conformity with the RSS the issue of affordable housing, renewable energy regeneration and sustainable construction need to be addressed”*

Highways Agency

The Highways Agency states, *“The proposed development is predicted to cause an increase in traffic on the A1(M). However this increase in traffic is predicted to be less than 30 trips during the morning and evening peaks and therefore the Agency would not require any physical mitigation to accommodate this increase. However in accordance with Government Guidance, all new developments should seek to reduce their traffic impact by encouraging travel by more sustainable modes. In order to achieve this, Halcrow has prepared a Travel Plan, which the Agency supports. Should you be mindful to approve the application, and subject to agreement from the Council’s Travel Plan Officer, the Agency would require the implementation of this Plan to be attached to any consent.*

The Highways Agency therefore has no objection, in principle, to the above being granted planning consent, subject to the conditions shown on the attached TR110 form (the travel plan prepared by Halcrow must be implemented) and our advice”

One North East

One North East urges *“the local planning authority to carefully consider the case made for the loss of employment land and to assess the application in the context of the overall employment land allocation in the borough. The local planning authority should be satisfied that the applicants have provided sufficient evidence to justify the loss of employment land to residential use.*

One North East also urge the local planning authority to ensure that a satisfactory mix of tenure and type of dwelling, together with quality of housing is secured by the imposition of appropriate conditions at this outline stage.

housing also needs to be carefully considered by the local planning authority in coming to its decision.

The Agency requests the local planning authority to encourage the developer to pursue the highest standards of quality in the development of the site e.g. relating to the achievement of appropriate Code for Sustainable Homes, Building for Life and Secured by Design

In line with the Governments objectives to generate 10% of electricity from renewable energy sources by 2010, the application should also provide details regarding the provision of renewable energy measures within the scheme.

Subject to the satisfactory resolution of the above policy and design issues, together with any environmental or highway issues from the local planning authorities point of view, the Agency raises no objection to the application.”

Network Rail

Network Rail has raised no objections to the development, in principle, but they have raised some requirements for the security and safety of the site once development is underway and also completed

Natural England

Natural England have stated that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

Environment Agency

The Environment Agency has no objections to the application, subject to the imposition of conditions relating to contaminated land; flood risk; foul drainage and sustainable construction/renewable energy construction

Northumbrian Water

Northumbrian Water has raised no objections to the application subject to the imposition of suitable planning conditions

PLANNING ISSUES

The following issues must be taken into consideration when determining this application

- Planning Policy
- Loss of Employment Land
- Suitability of the Site for Housing
- Need for Additional Housing Land
- Affordable Housing
- Highway Matters
- Design and Layout of the Development
- Noise

- Contaminated Land
- Odour
- Biodiversity
- Impact upon Trees
- Flood Risk and Drainage
- Renewable Energy Requirements
- Statement of Community Involvement
- Section 106 Agreement

Planning Policy

The application site falls within the development limits as defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan. The site is also identified as an existing employment area and Policy EP2 indicates that it would be suitable for business (B1) use, and general industrial (B2) and/or warehousing (B8).

Loss of Employment Land

In view of the above planning policy designation, consideration needs to be given as to whether or not the site is still needed to meet identified and projected employment land needs. The applicant has prepared an Employment Land Assessment, which concludes that the site would be difficult to let or convert for other business occupiers due to the age, condition and specification of the buildings. There have been failed attempts to seek occupiers through marketing campaigns. The Assessment states that as a site for new employment development, it is not considered commercially attractive when compared to competing sites that are coming forward in the area that benefit from better road access and visual prominence. As a result of its constrained form, poor access and proximity to residential and community uses, the Assessment states that it offers a less advantageous location than other competing employment sites identified by the Council.

To reinforce the Assessment, analysis of the demand for and supply of employment land has revealed that:

- There is substantial supply of commercial property, particularly industrial property in the Darlington area;
- There is a large supply of employment land being allocated through the planning system, substantially more than what is required to meet average levels of take up over a 25 year planning period –therefore there is a surplus of land supply;
- A large portion of the borough's employment land portfolio is provided at Faverdale, in close proximity to Whessoe Road, which offers a more attractive location for commercial use, which is likely to undermine the potential for employment re-use of the Whessoe Road site, making it surplus to requirements;
- The applicant owns and controls development of the Faverdale site nearby (which has recently been granted outline planning permission for B1, B8 and B2 uses). The applicant intends to bring this development forward in the short to medium term, which will impinge on the viability of the application site.

The Council's Principal Planning Policy Officer has commented, "*The applicants have provided satisfactory evidence that their efforts to market the sites and premises for B1, B2 and B8 have been unsuccessful, which is attributed to the fact that the buildings on site are not suitable for many modern needs, the proximity to residential uses constrains the range of uses the site could*

accommodate and that the site is not as accessible to industrial traffic as many other suitable and available sites within the Borough.

The applicants have also submitted an Employment Land Assessment with their application, which officers also had sight of at pre-application stage. The assessment includes a comprehensive commercial property market assessment. Taking account of the information that the Council holds dating from 2006 (an Employment Land Review prepared by King Sturge) and more up to date anecdotal information, the market assessment seems credible and I would find it difficult to disagree with its conclusions at this time.

The applicants' Employment Land Assessment also includes an analysis of employment land and supply in Darlington. They conclude that there is currently a very substantial supply of employment land provision in the Borough, and that regarding future requirements, the 302 ha proposed for the period until 2026 in the Council's LDF Core Strategy: Preferred Options is an over-estimate of future demand, based on the evidence of take up levels from 2000-2006 set out in the Council's LDF Annual Monitoring Report.

The Council is currently undertaking work to update the evidence on employment land take up levels, as part of a comprehensive Employment Land Review. Until, this work is complete it is difficult to argue against the conclusions of the applicants' assessment, which is based on evidence provided in a Council publication. However, what Council's own ELR work will look at more closely is the range and choice of sites that allocated sites and sites with planning permission offer. Whilst the current economic downturn is likely to be reducing the take up of employment land in the Borough in the short term, there is no evidence to suggest that this will be sustained over the longer term. Indeed, the work that the Council is doing with partners to bring forward employment land at Faverdale and other locations within the Borough will help to ensure a suitable and attractive supply of employment land is available in the Borough when the current economic downturn begins to ease."

Based on the information provided by the applicant and the information currently held by the Council, the loss of this site for employment purposes will not have an adverse impact on meeting the borough's identified and projected employment land needs.

Suitability of the Site for Housing

Policy H3 (Locations for New Housing Development) of the Local Plan states that new housing development will normally be approved within the development limits. The proposed site is wholly within the limits to development of the main built up area of Darlington.

National, regional and local planning policies are clear that suitable locations for housing are those which offer a good range of facilities, with good access to jobs, key services and infrastructure. Most of the proposed site is close to local shops and a District Centre at its southern end, and there is other community infrastructure, e.g. Longfield Secondary School, Harrowgate Hill Primary School and North Park nearby.

The majority of the site is not currently in use and is previously developed land (PDL). Planning Policy Statement 3 – Housing (PPS 3) indicates that priority for development should be given to PDL, in particular vacant and derelict buildings. As regards the buildings that are currently in use, PPS3 also indicates that industrial sites should be considered as options for accommodating housing growth.

There would be no planning policy objections, in principle, to the application site being used for residential purposes.

Need for Additional Housing Land

Whilst the principle of developing the land for residential purposes is acceptable, the question of whether or not there is a need to develop the site for residential purposes must be asked. The applicant, at both pre application stage and through the SHLAA process have stated were that they are very keen to move the site forward now, and the information they provided convinced the SHLAA Steering Group to identify the site as suitable, available and deliverable in the next 5 years.

Planning Policy Statement 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)(SHLAA) has identified a five year supply of deliverable sites available for housing in the Borough, but this requires the delivery of sites like this where the Council has been aware of interest for residential use for some time. The SHLAA estimates that this site could deliver 250 dwellings in the short to medium term.

The five year supply identified in the SHLAA is based on meeting the number of new dwellings required for Darlington in the Regional Spatial Strategy. However, there has been a significant decline in house building since the economic downturn began to be felt in late 2007, and at recent house building rates, the housing land supply from existing commitments and allocations would be more than sufficient to provide a five year supply, without non allocated sites such as this needing to be brought forward.

Affordable Housing

Policy H9 (Meeting Affordable Housing Needs) of the Local Plan states that the Council will seek to negotiate with developers for an element of affordable housing on new housing sites within development where a local need has been identified.

The Affordable Housing Supplementary Planning Document (SPD) elaborates on Policy H9 of the Local Plan. Under the provisions of the SPD, the application site is located within the Darlington North Sub Area, where the local need for affordable housing has been identified as High. The affordable housing target for a development of 15 dwellings or more, in this Sub Area, is that 30% of the dwellings are "affordable".

In this instance, a housing development of 250 dwellings would have a target of 75 affordable dwellings. At present, the application has been submitted with no affordable housing provision.

The SPD states the affordable housing targets may, exceptionally be reduced or possibly waived if it can be demonstrated that there are unforeseen costs associated with the development that, taken together with the provision of affordable housing would render the project unviable. It is expected that developers have considered the financial implications of providing affordable housing when purchasing the land for development, as they would for all significant foreseeable costs like highway works, remediating contamination, flood mitigation, piling, demolition and planning obligations.

Appendix 6 of the SPD states that in circumstances where a developer considers there are exceptional unforeseen costs and that the provision of affordable housing would make a scheme

unviable, the onus is on the developer to demonstrate this. The developer must provide financial evidence to an independent agent or consultant chosen by the Council but paid for by the developer, whose role it would be to assess the information and provide the Council with a report capable of publication, indicating whether the costs attributed to items are reasonable. This report would form the basis as to whether or not an affordable housing target for a particular site can be reduced or waived.

The applicant submitted an Affordable Housing Statement and Financial Appraisal with application. The Appraisal indicates that the Residual Value for the development is so low that the site is unlikely to come forward for development if there is an imposition of an affordable housing requirement, as this would reduce the land value well below that of the next best alternative, or existing use. The Appraisal concludes *“The scheme with the provision of affordable housing would make delivery of the scheme unviable; this is driven in part by the current economic climate. This has caused a fall in housing unit values, a slower pace of sale and compounded by the remediation costs and current circumstances of developers not having cash on their balance sheet to pay up front land payments for acquiring sites.”*

In order to comply with the requirements of the SPD the Appraisal has been assessed by an independent agent (Sanderson Weatherall) chosen by the Council but paid for by the developer. The report from Sanderson Weatherall agrees with the majority of the costings within the Appraisal but concludes *“By over estimating the existing use value of the site and the amount of the developer’s profit”* an unrealistically low residual value has been produced. The report also states that the proposed development can support a significantly higher contribution towards the provision of affordable housing. The report concludes, *“In our opinion, the appraisal contains insufficient detail to reach a reliable conclusion. A more detailed appraisal is needed before a decision can reasonably be made whether or not this development scheme can support an affordable housing condition of 30% or any other level”*.

The applicant submitted further information in support of their Appraisal, which was again considered by Sanderson Weatherall, who considered that the applicant’s appraisal is still incomplete and that the applicant’s case is insufficient to enable the Council to consider an amendment to the affordable housing requirement.

A further meeting has taken place between the applicant and officers and it is agreed that further discussion must take place to consider fully the implications of reducing or waiving the affordable housing provision within the site. Officers requested that the application be withdrawn to allow the ongoing discussions to occur outside the pressures of a planning application and the associated time scales but the applicant does not wish to do this and they would hope to resolve the matter prior to the Planning Committee. As a result officers had to advise the applicant that the application would be recommend for **refusal** on the grounds that insufficient information has been provided at this point to allow the Council to give consideration to reducing or waiving the affordable housing provision.

Officers need to ensure that a robust case, verified by an independent consultant, is put before the Council before agreement can be reached to reduce or waive the affordable housing provision. This is an important issue, which could have repercussions for proposed housing development elsewhere in the Borough and officers consider, with the advise from an independent consultant, that such a case has not been provided by the applicant at this moment.

Highway Matters

The Illustrative Masterplan includes five vehicular access points (in the form of priority junctions) to the site from Whessoe Road. The proposed development comprises 250 dwellings with parking proposed at a level of 2 spaces per 2/3 bed units, 3 spaces per every 4 bed unit and 1.5 spaces per apartment. The spaces would be provided within the development and take the form of off street parking spaces (both on drive and garages) and parking courts to the rear of dwellings.

A Transport Assessment accompanied the application and it concludes that the traffic impact of the proposed development during the weekday AM and PM peak hours highlights that mitigation is only required at the Whessoe Road/Longfield Road priority junction. This junction would need to be converted to a mini roundabout. It is proposed that a Toucan crossing be provided on Whessoe Road to aid pedestrians and cyclists crossing in the vicinity of the existing pedestrian/cycle routes close to Elmtree street/Honeypot Lane. Footpath and cycle links would be provided across the development linking it into the existing network.

The Council's Highway Engineer has commented as follows, *"This is an outline application though access to the development is to be determined at this stage. The application has been supported by a Transport Assessment and I would accept the conclusions of that report in regard to traffic impact. The only junction on the local highway network that would require mitigation works would be the Whessoe Road/Longfield Road junction"*.

A Travel Plan has been submitted and considered by both the Council's Transport Policy Officer and the Highways Agency. The Council's Transport Policy Officer has stated *"The Residential travel Plan submitted by Halcrow Group Limited is the first detailed residential travel plan to be submitted in Darlington, so this is very much new ground. However, it is important to add that nationally residential travel plans are also somewhat embryonic."*

Travel planning to date has largely focussed on the development of destination travel plans, which are generally designed to reduce car use to a specific destination - such as a workplace, school or a visitor attraction. Originated by the employer, the school or the attraction itself, in partnership with others such as the local authority and public transport operators, destination travel plans focus mainly on a particular journey purpose.

By contrast, a residential travel plan is concerned with journeys made from a single origin (home) to multiple and changing destinations. Key differences between the origin-based residential travel plans and destination travel plans are:

The pattern of journeys originating at home is more varied, with residents having multiple destinations and different needs and travel choices over time. This is a crucial difference compared with destination-based plans which normally only deal with a single journey purpose (e.g. access to work); An ongoing management organisation and structure for the travel plan needs to be put in place, as there is often no single company or institution to provide continuity and a common point of interest for residents.

It does appear that the submitted travel plan does make a fair attempt to provide the structure to encourage travel choice for residents. In addition, the submission also makes the point that the detailed layout will include

- *walking/cycling routes within the elongated housing site and that it will provide connections to existing off site routes. The future design should also seek to achieve some of the following:*
- *Permeability for pedestrians and cyclists*
- *Highway safety measures/traffic calming/pedestrian and cycle friendly infrastructure*
- *Site speed limits*
- *Restrictions on car movements within the site*
- *Parking restraint*
- *Minimising intrusion from parking*
- *Inclusion of areas for social exchange recreation, seating, play and biodiversity.*

Whessoe Road is a barrier for pedestrians and cyclists and there needs to be a further improved crossing facility provided to access inbound bus stops, Longfield and Harrowgate Hill schools and North Park, with its well defined cycle/footpath routes. This improvement should be provided at the developers' expense.

The Travel Plan makes the point about the poor quality of the existing bus stops, most of which do not have shelters etc. There is an opportunity here to upgrade the bus stop infrastructure at the developers' expense and because the site is so elongated, there are 4 bus stops that could justifiably benefit from upgrading. These are: west side of Whessoe Road close to the junction with Longfield Road, the pair of stops adjacent to Elmtree St on either side of Whessoe Road and the stop on the west side of Whessoe Road close to the junction with Westmoreland St. This upgrading may involve adjusting the location of the stops to provide a more even distribution, and will include erecting new shelters, constructing raised kerbs as necessary, bus stop flags, timetable cases and real time information. The cost of upgrading the stops would be £10,000 each which would be a requirement for a total bus infrastructure contribution of £40,000 from the developer”.

The Highways Agency states, “The proposed development is predicted to cause an increase in traffic on the A1(M). However this increase in traffic is predicted to be less than 30 trips during the morning and evening peaks and therefore the Agency would not require any physical mitigation to accommodate this increase. However in accordance with Government Guidance, all new developments should seek to reduce their traffic impact by encouraging travel by more sustainable modes. In order to achieve this, Halcrow has prepared a Travel Plan, which the Agency supports. Should you be mindful to approve the application, and subject to agreement from the Council’s Travel Plan Officer, the Agency would require the implementation of this Plan to be attached to any consent.

The Highways Agency therefore has no objection, in principle, to the above being granted planning consent, subject to the conditions shown on the attached TR110 form (the travel plan prepared by Halcrow must be implemented) and our advice”

It is considered that the proposed access arrangements for the development and its impact on the existing road network are satisfactory, subject to the imposition of suitable planning conditions.

The off site highway improvement works, highway crossings and improvements to bus stops etc would be secured by planning conditions and where appropriate as part of a Section 106 Agreement.

Design and Layout of the Development

Policies E29 (The Setting of New Development) and H11 (Design and Layout of New Housing Development) of the Local Plan set the principles for the layout and design of new development. The overriding principle is that new development should respect the intrinsic character of its setting in terms of siting, design, materials used and open spaces.

- Policy H11 sets out the criteria, which the design and layout of new housing development will be required to meet.

The application is in outline and the layout of the development would be the subject of a reserved matter application. An Illustrative Masterplan shows how the application site could be developed for 250 dwellings at a site average of 39 dwellings per hectare. The Design and Access Statement states that the majority of the development would be two storey, with the exception of the apartment blocks which would be three storeys. The current topography of the site and the existing imposing retaining wall fronting Whessoe Road would be substantially altered by the development. The ground levels would be amended and the retaining wall removed to enable the development to fully integrate with the scale of the existing surrounding area. The development would create a street frontage onto Whessoe Road, with the buildings facing onto the highway.

Landscaping would also be reserved for later approval, however the proposed development will provide 0.086ha of open space, which can be broken down by type as follows:

- 2 Play Areas = 0.084ha
- Local Amenity Space = 0.777ha

A “Green Link” route would run through the site in a north south direction with a potential for any public art to be incorporated into the scheme. The boundary with the railway line would be reinforced and enhanced with screen planting.

The Council’s Urban Design Officer has been involved in the design of layout of the development and he is satisfied that an appropriate layout can be achieved on the site, broadly equivalent to that shown on the Illustrative Masterplan. The relationship of the buildings to the existing and new street would provide natural surveillance and the challenges of the differences in site levels appear to have been dealt with appropriately.

The density of dwellings per hectare for both parts of the site are generally in accordance with PPS3 and the Council’s draft Supplementary Planning Document “The Design for New Development”.

The Architectural Liaison Officer from Durham Constabulary has no objection, in principal to a residential development on the site. He has stated *“Because the proposed development abuts the railway line and areas of open land, it will be important to secure the boundary. Homes to the east of the site will be particularly vulnerable because of their proximity to this area which will provide easy access and easy escape routes. I would like the opportunity to comment further when more detailed plans are submitted”*

The Council’s Countryside Team have raised some concerns over the extent of the “Green Link” route. They requested that a route should run the full length of the site, several metres wide to

provide a pleasant and safe green route along which people can access the adjoining parks and green spaces. The corridor would also provide an element of biodiversity improvements.

The applicants have responded that *having a green route several metre wide and entirely separate from the roads within the site has the potential to become unsafe and would be contrary to the Manual for Streets which supports shared routes for vehicles, cyclists and pedestrians.*

Whilst the layout of the development would be dealt with as a reserved matter planning application. The current design indicates a link through the entire site from north to south, linking Drinkfield Marsh and North Park via an internal road, a play area and a toucan crossing. The link is continued further south of North Park via a dedicated green link to the north of Honeypot Lane/Elmtree Street and a fully accessible pedestrian route to the south of this road. The route continues along an internal road, passing a further play area and proceeding along a further dedicated green route which links back to Whessoe Road.

It is considered that the route as shown on the Illustrative Masterplan is acceptable and provides a clear route through the site.

Noise

A Noise Impact Assessment concludes that the site is considered acceptable for residential development with appropriate noise mitigation measures implemented. As the application is in outline, the layout of the development is subject to change but the Assessment states that with appropriate mitigation measure an acceptable noise environment can be achieved.

Fletcher Joinery have stated *“This is a joinery shop which uses sawing, cutting and planing machines, all of which are extremely noisy and require operators to wear high density ear protection. We also have a dust extractor, which is externally mounted which apart from being noisy would be facing one of the proposed dwellings. The workshop operates from 8am to 4:30pm on a daily basis and also on weekends. On occasions work carries through until the early hours of the following morning”*

The Council’s Environmental Health Officer has asked for further information on the findings of the Noise Assessment and he has also visited the application site and the Fletcher Joinery workshop with the applicant’s Noise Consultant. The Council’s Environmental Officer is considering the findings of further reports from the Noise Consultant.

This is an issue that remains outstanding, however, Members will be informed of any further progress at the Planning Committee.

Contaminated Land

The application includes a Phase 1 Geo-environmental Audit of the site carried out by Halcrow, dated March 2009. This report identifies various past uses across the site and associated potential contamination sources such as cooling ponds, railway sidings, a substation, 2 historical clay pits and 2 possible areas of unknown backfill. The report rightly identifies that further detailed Phase 2 site investigation works and associated risk assessments concerning soil quality testing, gas monitoring, and groundwater monitoring will be required. Following this Phase of the investigation, a Remediation Strategy will be required to ensure that the development is safe for its intended use of residential with gardens. To ensure that the necessary site investigations and remediation/validation are undertaken, the Environmental Health Officer has requested that the standard planning condition regarding land contamination be imposed.

The Environment Agency has no objections to the application, subject to the imposition of conditions relating to contaminated land.

Odour

The Audit also identifies a commercial property called MT Print to be 11 meters to the north of the site. A printers would use inks etc which may produce odour. If this is the case, the odour could have the potential to affect the residential properties on the development site. Therefore, the Council's Environmental Health Officer has requested further information on this issue and the possible imposition of a planning condition an Odour Impact Assessment.

This is an issue that remains outstanding, however, Members will be informed of any further progress at the Planning Committee.

Biodiversity

A Ecological Survey has been submitted with the application. Natural England have stated that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

The applicant has carried out further Bat Surveys and the findings would be submitted to the Natural England for their comments. They are in discussions with Natural England about the impact of the development on Great Crested Newts.

This is an issue that remains outstanding, however, Members will be informed of any further progress at the Planning Committee.

Impact upon Trees

The Tree Assessment Report, which accompanies the planning application, identifies 11 individual trees and 3 groups of trees on the site and provides an appraisal of their quality. It further states that tree losses are expected as a result of the development but that mitigation can be secured via a landscaping plan detailing replacement planting of trees. It is noted that landscaping is a Reserved Matter and these details can be provided at the appropriate stage.

The Council's Senior Arboricultural Officer has confirmed that there are no trees on the site, which are worthy of a tree preservation order.

Flood Risk and Drainage

The application site is located outside of any flood envelope and can therefore be classified as being within Flood Zone 1, which is an area with low probability of flooding. A Flood Risk Assessment was submitted with the application. The Environment Agency has no objections to the application, subject to the imposition of conditions relating to flood risk and foul drainage.

Northumbrian Water has also raised no objections to the application subject to the imposition of suitable planning conditions, however, the applicant is having further discussions with NW over the content and possible deletion of some of the conditions. This is an issue that remains outstanding, however, Members will be informed of any further progress at the Planning Committee.

Renewable Energy Requirements

Policy 39 (Renewable Energy Regeneration) of the North East of England Plan Regional Spatial Strategy to 2021 (July 2008) indicates that planning proposals should facilitate the generation of at least 10% of the region's consumption of electricity from renewable sources within the region by 2010 and to aspire to a further increase in renewable regeneration to achieve 20% of regional consumption by 2020. Policy 38 (Sustainable Construction) requires that, in advance of local targets being set, new major development should secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources.

The submission does not include any information on how the development would comply with RSS policies 38 and E39. However, this issue can be resolved by imposing an appropriate planning condition.

Statement of Community Involvement

As the application falls within the category of major development, the Council's Statement of Community Involvement (SCI) guidelines suggest that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application.

In this instance, the applicant consulted 710 local residents and businesses and local ward members informing them of the proposed development and the opportunity to attend a consultation event. A notice was also placed in the local press. The event took place at St George's Bridge Club in December 2008.

A total of 37 people attended the event of 97% were in favour of the proposed development. The one negative comment in the feedback from the residents related to the impact that the development may have on the existing highway network. Suggestions were also received from residents about how the development could be improved and as a result the Illustrative Masterplan was revised to improve footpath and cycle links to and from the site and a pedestrian crossing has been provided.

The SCI carried out by the applicant fully complies with the requirements expressed in the Council's guidelines.

Section 106 Agreements

As Members are aware any requirements for financial contributions would have to be secured by a Section 106 Agreement. However, officers are unable to confirm what Heads of Terms or financial contributions can be expected from the proposed development until a satisfactory conclusion has been reached over the financial viability of the site.

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

This is an outline application for a residential development consisting of approximately 250 dwellings. The application seeks approval for the means of access only. All other matters such as appearance, layout and landscaping are reserved for future submissions. An Illustrative Masterplan has been submitted to show how the site could be developed.

The application site falls within the development limits as defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan. The site is also identified as an existing employment area and Policy EP2 indicates that it would be suitable for business (B1) use, and general industrial (B2) and/or warehousing (B8). Based on the information provided by the applicant and the information currently held by the Council, the loss of this site for employment purposes will not have an adverse impact on meeting the borough's identified and projected employment land needs. The site is wholly within the development limits of the main built up area of Darlington and it is considered to be an appropriate site for residential purposes.

The proposed development will not raise any general highway concerns and the only mitigation measures would take place on the Whessoe Road/Longfield Road junction to ensure that the development does not have an adverse impact on the existing road network.

Whilst the application is in outline only, officers are satisfied that an appropriate layout can be achieved on the site, broadly equivalent to that shown on the Illustrative Masterplan. The relationship of the buildings to the existing and new street would provide natural surveillance and the challenges of the differences in site levels appear to have been dealt with appropriately.

Whilst there are some technical issues outstanding, there would be no objections, in principle, to the application site being used for residential purposes, however, the issue of reducing or waiving the affordable housing provision of the site has not been resolved to the satisfaction of officers. Officers need to ensure that a robust case, verified by an independent consultant, is put before the Council before agreement can be reached to reduce or waive the affordable housing provision. This is an important issue, which could have repercussions for proposed housing development elsewhere in the Borough and it is considered, with the advice received from the independent consultant, that such a case has not been provided by the applicant at this moment.

RECOMMENDATION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

Policy H9 (Meeting Affordable Housing Needs) of the Borough of Darlington Local Plan 1997 states that the Council will seek to negotiate with developers for an element of affordable housing on new housing sites within development where a local need has been identified. The Council's adopted Affordable Housing Supplementary Planning Document states the affordable housing targets may, exceptionally be reduced or possibly waived if it can be demonstrated that there are unforeseen costs associated with the development that, taken together with the provision of affordable housing would render the project unviable. The applicant has failed to provide a robust case to justify waiving or reducing the affordable housing provision for the site and therefore the proposed development would be contrary to Policy H9 (Meeting Affordable Housing Needs) of the Borough of Darlington Local Plan 1997 and the Council's adopted Affordable Housing Supplementary Planning Document

