

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 July 2015

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APPLICATION REF. NO:	15/00019/FUL
STATUTORY DECISION DATE:	10 April 2015
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	Land East Of Middleton Lane, Middleton St George, Darlington
DESCRIPTION:	Erection of 69 No dwellings with associated access and landscaping (Revised application)
APPLICANT:	Partner Construction Limited and Gentoo Group Limited

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of 69 dwellings on land to the east of Middleton Lane, between Middleton St George and Middleton One Row. The north of the site is bounded by residential properties on Pinetree Grove and to the south by residential properties on St Margaret's Close and Middleton Lane. To the east of the site, which consists of agricultural land, there are further agricultural fields expanding out into the open countryside. To the west of the site is Middleton Lane and along this perimeter are many trees including those covered by Tree Preservation Orders. The site is some 2.84 hectares in area and is located within Middleton One Row Conservation Area.

Access to the site would be from Middleton Lane, The development would feature four main cul-de-sacs as well as some areas of shared driveways. With the exception of two dwellings north of the access road to the site, the dwellings adjoining Middleton Lane would have front elevations facing towards it. Areas of open spaces are proposed centrally within the site.

The proposal is for a mix of terraced, semidetached and detached dwellings as follows:

- 9 x two bedroom houses
- 36 x three bedroom houses
- 17 x four bedroom houses
- 7 x five bedroom houses

The development would include 12 affordable housing units.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E13 – Tree Preservation Orders
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The National Planning Policy Framework 2012 is relevant.

The Council’s Design of New Development Supplementary Planning Document 2011 and Planning Obligations Supplementary Planning Document 2013 are also relevant.

The Middleton One Row Conservation Area Character Appraisal 2010 is relevant to the application.

Making and Growing Places Preferred Options Housing Technical Paper 1: New Housing, June 2013

Making and Growing Places Preferred Options Technical Paper 1: Limits to Development, June 2013

Making and Growing Places Preferred Options document, June 2013

RESULTS OF CONSULTATION AND PUBLICITY

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

Local Objections representing **463** contributors have been received and the main points raised are summarised below:

- *The school and doctor’s surgery are already at capacity.*
- *The school cannot be extended so any contributions from the developer would not be sufficient.*

- *The area cannot accommodate additional dwellings.*
- *The proposal would result in an increase in traffic and congestion and the potential for accidents.*
- *There is no nursery facility, contrary to as stated in the planning application.*
- *The location is not sustainable and public transport provision in the area is inadequate.*
- *The area has sewerage and drainage problems.*
- *The proposal will affect the character and appearance of the area.*
- *The proposal would harm the Conservation Area.*
- *The proposal would eradicate the gap between Middleton One row and Middleton St George.*
- *The design of the proposed houses is not to a high standard.*
- *The density of the development is too high.*
- *The site is located outside of development limits and the Council's Planning Policy states that housing development should take place in the town not in Middleton St George.*
- *Middleton St George is developing a neighbourhood plan and the application should not be decided before this is published.*
- *There are better, brownfield sites available.*
- *There is no need for new homes in the area.*
- *250 houses have already been approved in the area and this exacerbates the problems with the current proposal.*
- *Middleton St George has already seen substantial development in recent years.*
- *The proposal would be harmful to ecology.*
- *The existing field is used recreationally and this would be lost.*
- *There would be privacy and overlooking issues from the new houses to existing properties.*
- *There would be noise and disturbance issues during construction works.*
- *The proposal would lower property values.*

An objection was received from **MD2 Consulting Limited** on behalf of **Middleton St George Parish Council**. This is a lengthy response and only the conclusion is set out below:

- *The cumulative effect of the Gladman approval and the Gentoo proposal, if approved, threatens to transform Middleton St George into a town; a town which has only a limited range of shops, facilities, services, amenities and employment opportunities and which will certainly struggle to cope with the sudden and large scale increase in size of the settlement, which would only be accentuated if permission is granted on the Middleton Lane site.*
- *Middleton St George has grown exponentially over the last 15 years, mainly as a result of planning permissions on Brownfield land. New development is proposed mainly on Greenfield sites because there is little or no Brownfield land left in Middleton St George (although there is plenty in the wider Borough of Darlington). These development proposals include (i) a current application for up to 200 houses at High Stell (Reference 15/00041/OUT) (ii) an outline approval for 250 units by Gladman at Sadberge Road (iii) another 400 houses proposed as enabling development at Durham Tees Valley Airport (see Airport Masterplan) and (iv) the Middleton Lane application proposing another 69 units. The total of all this approved or potential development is more than 900 units in the Middleton St George ward. The cumulative effect of any more large scale development would dwarf the settlement and would not be sustainable. The current application as well as the outline application at High Stell should logically be resisted as*

they would further swamp the local housing market and overload inadequate local services.

- *The size and number of additional new houses would swamp the local housing market at this point in time and the houses built would be for commuters, because the village has limited employment opportunities and services. In our opinion, this would not be sustainable development and would be contrary to the aims of the National Planning Policy Framework.*
- *The Borough Council provided inaccurate and erroneous evidence to the Inspector at the Gladman Public Inquiry about the capacity of the village school to accommodate new pupils over time. The Local Planning Authority may wish to cover this issue in more detail in its planning application report, but it is apparent that school is too small and has limited opportunity to expand and will not be able to cope adequately with the number of places that will be generated not only by the Gladman development, but by any other developments proposed in the vicinity. It is our opinion that the proposal does not therefore constitute sustainable development, as it will generate significant new private vehicle movements involving commuters, as significant numbers of children would have to commute to external schools for education purposes.*
- *Notwithstanding the current planning policy position, the application site is still located outside current limits to development; is still a Greenfield site in the open countryside and would still result in the coalescence of Middleton St George and Middleton One Row.*
- *In spite of the arguments made by the applicant in this revised proposal, that development impacts would be modest, the proposal, if approved, would still be deleterious to residential amenity according to the local residents who live in this part of Middleton Lane who have, or are in the process of sending in their letters of objection.*
- *The site is located in the least sustainable part of the wider settlement, distant from the A67 to which it is connected by a narrow bottleneck near the station, which is particularly congested during school drop-off and pick-up times. Since the new owners will be car dependent, increases in traffic will only serve to accentuate the congestion problem and would be detrimental to highway safety.*
- *Although Northumbrian Water appears to indicate that it may not object to a planning application, there are regular reported and documented instances that the main drain which runs down*
- *Middleton Lane is easily blocked and cannot cope with existing levels of sewerage. To add more housing in this location would only add to the inadequate sewerage infrastructure problem in this part of Middleton St George.*
- *There are a significant number of previously granted and unimplemented residential planning permissions in the Borough of Darlington as well as a plethora of alternative, more sustainable sites closer to jobs and services, including development on Brownfield land. These sites and opportunities are more preferable and more sustainable locations to build new housing developments than even more Greenfield development in the countryside.*

- *The Parish Council has been working on a Neighbourhood Development Plan for over a year now and is starting to form opinions on future policies that will be included in the plan. According to Press reports, we are advised that the Secretary of State is granting more weight to communities who are producing Neighbourhood Development Plans and again, we hope that this is more than just rhetoric.*

An objection from **Councillor D Jones** and **Councillor York** was received:

- *We wish, as the ward councillors for Middleton St George ward to make formal comment and objection to the above application. We feel that as the village has just suffered the loss of a planning appeal for 250 homes on the Sadberge site. Middleton st George is not only now full to capacity but saturated beyond endurance. Any further developments in this village where we are suffering from serious sewage problems, lack of schooling and education facilities, medical centre, congested roads and lack of leisure space and facilities will only be hugely detrimental to resident's quality of life.*
- *The size and number of additional new houses would swamp the local housing market at this point in time and the houses built would be for commuters, because the village has limited employment opportunities and services. In our opinion, this would not be sustainable development and would be contrary to the aims of the National Planning Policy Framework.*
- *We also feel very strongly that the sewage problems currently experienced at Middleton st George are caused by what is already an overdeveloped village due to the amount of brownfield sites in the past being developed by houses.*
- *As ward councillors and parish councillors we are working on a Neighbourhood Development Plan. We have spoken with the Undersecretary of State who has confirmed that our action does carry weight in future planning applications and we sincerely hope that our concerns and hard work are taken into full consideration*

An objection from **Councillor B Jones** was received:

- *Middleton St George has, in recent years, been the subject of numerous planning applications for new homes, many of which have been successful resulting in the over capacity of much of the village infrastructure.*
- *The primary school is full and cannot take any more pupils.*
- *The secondary school, Hurworth, is likewise full.*
- *The doctor's surgery is unable to handle any more patients.*
- *Recently, sewage was overflowing the sewers and running down Middleton Lane.*
- *Roads are overcrowded and in a poor state of repair.*
- *The application lies within a conservation area.*

- *The erection of 69 dwellings could result in an additional 200 cars on local roads unable to cope with the extra numbers. Please recommend this application for refusal.*

An objection was received from **Phil Wilson MP**:

- *In recent decades, Middleton St George has been subject to considerable attention from developers. More than 700 homes have been built in the village and the population almost tripled. Outline planning permission has also recently been granted for 250 dwellings on land east of Sadberge Road, Middleton St George which is expected to result in a 20% increase in the local population. This will place significant pressure upon local infrastructure, in particular the sewerage system which has failed to be modernised as the number of housing developments has grown. Consequently, the village has experienced flooding as local sewers have failed to cope with excessive rain water. Furthermore, the limited access of the proposed entry route to the development is likely to place further pressure on roads in the village. The erection of 96 dwellings could result in an additional 200 cars on local roads resulting in increased congestion, pollution and heightening the risk of road traffic accidents, particularly at peak times. These factors indicate that Middleton St George is over-developed and that the approval of this planning application will only place further pressure on local infrastructure.*
- *I am also concerned about the detrimental impact of this unsustainable development on local services in Middleton St George. According to figures published by the Department of Education in 2014, St George's Church of England Academy, the local village school, is already operating above capacity with 364 pupils attending the school which only has capacity for 315. Similarly, Hurworth School, which in close partnership with St George's Church of England Academy is also over-subscribed with 665 pupils attending a school designed for 635. This pressure upon local school places has meant that many of my constituents, whose children have been born and raised in the village, are unable to secure a place at the local village school. Many of these families then have little choice but to send their children to schools outside of the Middleton St George with the associated transport cost charged to Darlington Borough Council. Other local services in the village are experiencing similar demand with the doctor's surgery running at full-capacity and unable to accept any new patients. I am therefore concerned that this planning application constitutes an unsustainable burden on the already over-stretched resources of local services.*
- *Finally, the approval of this development will further contribute to the erosion of the village's character. In November 2010, Darlington Borough Council published a character appraisal of Middleton One Row which was designated as a Conservation Area in 1972. The report, which praised its 'high quality, intact rural qualities' (p.7) noted that these qualities ought to be preserved and enhanced and further residential development, which could compromise the Conservation Area's character, should be resisted. With this in mind, the approval of the above application would be in direct contradiction of Darlington Borough Council's findings and would result in an irreversible and highly visible alteration of the village character*

The **Environmental Health Officer** stated that a condition to deal with land contamination would be needed if planning permission is granted.

The **County Archaeologist** advised that an archaeological condition would not be required should the planning authority be minded to grant permission.

Durham Police Architectural Liaison Officer advised that the crime risk assessment for the proposal is low and that consideration should be given to the impact of the development on the existing community.

Northumbrian Water advised that a condition would be required for the submission and approval of details of foul and surface water drainage.

The **Environment Agency** raised no objections to the proposal to direct foul and surface water drainage to the sewer (but advised that the Northumbrian Water should be consulted). The Environment Agency advised that they would wish to be re-consulted should the drainage method be amended.

The **Highways Engineer** raised no objections.

Northern Gas Network raised no objections.

Northern Power Grid provided a plan of apparatus in the area.

PLANNING ISSUES

Planning Policy

The planning application site lies outside the development limits (for Middleton St George and for Middleton One Row) as identified by Policy E2 of the Borough of Darlington Local Plan. Policy E2 states that most new development will be located inside the development limits defined by the Proposals Map of the Local Plan. The reasoned justification to the policy explains that the limits to development are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

Policy CS1 (Darlington's Sub Regional Role and Locational Strategy) of the Darlington Core Strategy Development Plan Document 2011 also refers to the limits to development, and sets out the overall locational strategy for the development plan, in the form of a sequential approach, focussing growth on the main urban area and identified strategic locations to meet most of the overall development needs of the Borough. Land outside limits to development is at the bottom of the list of locations where this type and scale of development should take place. It is also stated in the reasoned justification (paragraph 3.1.4) that the limits to development are to prevent settlement coalescence.

A recent planning appeal decision (12th January 2015) which allowed up to 250 new homes on a site on the northern edge of Middleton St George found that at this time, the Council cannot demonstrate a five year supply of suitable, available and deliverable housing land. This is because the Council does not have an up to date objective assessment of housing need (OAN), and without knowing this target, the Council cannot tell if all the sites it has identified are sufficient to provide a five year housing land supply in the housing market area, or not. In his decision letter, the Inspector who heard the appeal concluded that Policy CS10 of the Council's adopted Core Strategy (2011) is out of date as it relates to the supply of new housing, because the housing requirement in it is based on evidence from the now revoked Regional Spatial Strategy rather than the more recent requirement of national policy (NPPF, 2012), that it be based on the OAN. The Inspector's decision letter also makes it clear that the planning policies relating to the

supply of housing land and those that prevent development adjacent to existing settlements in the adopted development plan (parts of Policies CS1 and CS10 of the Darlington LDF Core Strategy, and parts of saved Local Plan Policies E2 and H7) cannot be considered up to date.

As a result of the five year supply of housing land issue, further consideration must be given to the National Planning Policy Framework 2012 and other relevant local development plan policies. The NPPF states that there should be a presumption in favour of sustainable development. This means that where development plan policies are absent or out of date permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against Framework policies.

In terms of what can be considered a sustainable development the National Planning Policy Framework advises that this consists of three key dimensions, an *environmental role*, a *social role* and an *economic role*. So it is acknowledged that the sustainability of a proposal should not solely be determined by its location but must therefore be assessed against the three key sustainability factors, along with other material planning considerations to see whether planning permission would be justified.

Environmental Role

A proposal needs to demonstrate that it contributes to protecting the natural, built and historic environment and, as part of this helps to improve biodiversity, uses natural resources prudently, minimises waste and pollution and adapts to climate change. Of particular relevance to this application is the impact on the historic environment, the protection of trees and biodiversity matters.

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network. Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will, amongst other things, be protected by protecting and enhancing the separation and intrinsic qualities of the openness between settlements.

Heritage assets

The application site is located within Middleton One Row Conservation Area which was designated on 4 May 1972 and appraised in November 2010. The Conservation Area is designated for its high quality, intact rural qualities. Greenspace is a key feature of its significance, as is the River Tees. Historic development is primarily in the form of Georgian and Victorian residential and villa development, but also includes a Norman Scheduled Monument and a Victorian church.

Paragraph 131 of the National Planning Policy Framework covers new development impacting on heritage assets (such as conservation areas) and states that Local Planning Authorities should take account of sustaining and enhancing heritage assets and that new development should make a positive contribution to local character and distinctiveness. Middleton One Row Conservation Area Character Appraisal (November 2010) advises protection of the application site from development because it is a key view contributing to the greenspace and views of the countryside

that are a vital part of the Conservation Area's character, appearance and significance. Proposed development on areas of greenspace is identified in the Appraisal as a problem or pressure.

A Heritage Appraisal (Simpson and Brown November 2014) was submitted with the planning application. This makes the case that the significance of the Conservation Area lies in The Front and not in Middleton Lane, which it asserts would not be worthy of Conservation Area designation alone. This view is not shared by the Council's Conservation Officer who has commented that the Assessment should have demonstrated an understanding of the application site's contribution, avoiding comparisons with other greenspace elsewhere within the Conservation Area. The application site has remained free of development because of the positive contribution it makes to the Conservation Area and because it is outside development limits, between the villages of Middleton One Row (with mediaeval origins, including a Norman Castle Motte) and Middleton St George (initially Victorian railway development and a replacement for an earlier medieval settlement in a different location). The application site is a visible sign of how close open countryside is to Middleton One Row. Should this break in development be lost, the significance of this Conservation Area will be irreparably harmed. The inclusion of an open area within the proposed development is not considered sufficient to alleviate the damage the new development would cause. Part of the character of the Conservation Area is considered to be the traditional or historic buildings fronting onto the street. However in this case the development pattern is characterised by a series of cul-de-sacs. The Character Appraisal identifies the cul-de-sac development that exists within the Conservation Area as a negative factor. It also sees most of the twentieth century cul-de-sacs and small housing estates as increasing the form of development making the least positive contribution to the Conservation Area. The house types shown on proposed elevation plans are 'generic' in appearance and it is not clear that they have been guided by the best of features found on buildings on Middleton Lane.

Archaeology

A Desk Based Archaeology Assessment report (Wardell Armstrong Archaeology February 2013) and a Geophysical Survey (Wardell Armstrong Archaeology October 2013) have been submitted with the planning application. Aerial photographs dating to 1965 have shown a linear cropmark in the field immediately to the east of the application site. This may have been a former field boundary which is known to have existed in the 1860s.

The proposal is not considered likely to raise any issues regarding archaeology. The County Archaeologist has not asked for any conditions to be placed on the granting of any planning permission.

Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining the site. Policy E13 (Tree Preservation Orders) of the Local Plan states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees, their likely future lifespan and their public amenity value.

The site is located within Middleton One Row Conservation Area and so all trees have a degree of protection from this status. The trees in the north west corner of the site (a strip some 84m in length) are covered by Tree Preservation Order No. 7 1980. There are two further trees and a smaller group located towards the south west corner of the site which are also part of the same

tree preservation order. Due to the nature of the group tree preservation order, it is not clear exactly which trees are protected. If the proposal were to be granted planning permission, the associated works to the trees (and felling) could proceed. The impact on the trees of the site as a whole should therefore be considered with regard to the impacts on the visual amenity of the area.

An Arboricultural Impact Assessment and an Arboricultural Method Statement (both by All About Trees Arboricultural and Ecological Consultancy January 2015) were submitted with the planning application. Six trees (two lime trees, a sycamore, two hawthorn trees and a common lime) would be removed from the western boundary. Four trees (two ash trees, an oak and a sycamore) would be removed from the eastern boundary. Part of the hedgerow on the western boundary (which contains some trees) would also be removed as part of the development. Other works to the existing trees on the site include pruning and removing ivy. Tree protection measures during constructing for the retained trees are proposed. Additional tree planting and landscaping works are proposed and overall it is considered that the loss of some trees to facilitate the development would not in itself justify the refusal of planning permission.

Ecology

An Extended Phase 1 Habitat Survey (E3 Ecology Ltd January 2015) was submitted with the application. This sets out that no further survey of the site are considered necessary given the presence of low value habitat for foraging wildlife, limited roosting habitat restricted to the site margins, small size and arable nature of the field to be lost and retention of the eastern hedgerow. The report sets out mitigation works that would be needed. This includes all vegetation clearance to take place outside breeding bird season (unless it is confirmed by an ornithologist that no birds are present), bird boxes to be provided, the eastern hedgerow to be retained and protected by a buffer zone and a means of escape to be provided to any trenches left overnight.

Flood Risk / Drainage

The site is located within flood risk zone 1 and therefore the main issue to be considered regarding flooding is with regard to impacts surface water. A Flood Risk Assessment (Arc Environmental April 2013 – updated November 2014) was submitted with the application and this considers future surface water management issues as part of a surface water management plan. The details of this surface water management plan have not however been established but the ground does not appear suitable for a soakaway system or temporary storage systems.

Northumbrian Water advised that a condition would be required for the submission and approval of details of foul and surface water drainage.

The Environment Agency has commented that the proposal to discharge surface water to the public sewerage system would be acceptable.

Landscape Character

A Landscape and Visual Impact Assessment (the Landscape Agency January 2015) was submitted with the application. This looks at the site from different viewpoints and concludes that the development will not have an adverse effect on landscape character.

Social Role

A development needs to contribute to a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that support the community's health, social and cultural wellbeing.

It is acknowledged that the proposal would contribute to the supply and choice of housing and in a location that is relatively accessible by public transport (including Dinsdale Train Station and local bus routes). There are also local facilities in Middleton St George.

The local primary school (St George's Church of England Academy) is currently close to capacity and projections from the Council's Children's Services Team indicate that if the development were to proceed, the pupil yield would mean that the demand for school places in the village would considerably outstrip supply when taking the already approved development for 250 dwellings at Sadberge Road (Ref: 13/00940/OUT) into account. The level of undersupply is predicted to exceed 20 places for several years over the projection period (to 2026) if both the Sadberge Road development and the current proposals were implemented. A considerable number of pupils would therefore need to find places in alternative schools away from the village. The need for primary school children to travel to school away from the village is not ideal as it is much more preferable for attendance in the village of residence to be achieved. This position is reflected in the NPPF (para. 38). It is therefore considered that the projected degree of undersupply of school places would be contrary to the social sustainability objectives of the National Planning Policy Framework.

Economic Role

Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development can create jobs both in the construction industry and in the building supply industry. These support sustainable economic development to deliver the homes that can be needed, which is important in times of economic austerity.

If the development were to go ahead there would be benefits to the local economy through job creation and expenditure that would help to support local services.

Sustainability conclusion

Notwithstanding the fact that the development would contribute to the local economy and to the supply and choice of dwellings in the locality it is considered on balance that these factors are outweighed in importance by the threats identified above to the character of the Conservation Area, the identity of the settlements of Middleton St. George and Middleton One Row and by the insufficient capacity within the local primary school. It is therefore considered that the development fails the sustainability test in the NPPF.

Site layout details

The Council's Design of New Development Supplementary Planning Document 2011 states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms. There should also be 12.5m from elevations with habitable rooms facing blank elevations.

To the north of the site, there would be between 35m and 20m of separation distance from the proposed dwellings to the existing properties on Pinetree Grove. The boundary along the northern perimeter of the application site would consist of fencing and the existing hedgerow. Overall the relationship between the proposed dwellings and the existing properties to the north would achieve a reasonable level of amenity with no significant detrimental impacts regarding light, outlook or with overlooking issues.

To the south of the site, there would be some 14m from the proposed houses to the side elevations of existing properties at 30 Middleton Lane and 9 St Margaret's Close. There would be some 18m from the rear elevation of the nearest proposed dwelling (Plot 50 and the side elevation of 12 St Margaret's Close – this side elevation contains habitable room windows). Overall the relationship between the proposed dwellings and the existing properties to the south would achieve a reasonable level of amenity with no significant detrimental impacts regarding light, outlook or with overlooking issues.

There are no properties to the east of the site, to the west the nearest properties are at a distance of at least 22m from the proposed dwellings. This arrangement would achieve a good level of amenity in relation to the properties to the west with no significant detrimental impacts regarding light, outlook or with overlooking issues.

The proposed dwellings on the application site are generally sited so as to avoid significantly impacting on each other in terms of light and outlook. The separation distances generally meet the standards of the Council's New Development Supplementary Planning Document with a few minor exceptions.

Highways Matters

The site is accessed via a new simple T junction off Middleton Lane which is an appropriate form of access given the traffic volumes. Speed surveys were recently carried out on Middleton Lane and showed 85th percentile speeds of around 36mph. Visibility splays at the access of 2.4m x 59m should therefore be achieved in the design by the removal of hedgerow and replanting.

A Transport Statement has been produced that demonstrates that generated traffic from the development would not have a detrimental impact on the surrounding highway networks with 38 two way trips in the AM peak and 43 two way trips in the PM peak. From a traffic perspective this development would therefore be acceptable.

An accident study has also been provided as part of the assessment which shows that there were a total of 11 accidents within the last 3 years and these comprised of 9 slight and 2 serious accidents across the local network, with the no reported accidents within 400m of the proposed access point off Middleton Lane. This data has been verified with the Police accident statistics held by DBC and is an accurate representation.

Bus services 12/12A operates along Middleton Lane every 30 mins Mon - Sat and 60 mins on Sundays with the last bus around 8pm. Bus stops are located to the southern end of the development site with less than ideal pedestrian linkages. As part of the development a new footway is proposed along the western boundary of the site that would provide access to the bus stops.

The layouts of the proposed new roads do not meet adoptable standards. Should planning permission be granted, a condition would be required for amended plans to be submitted and approved which achieve adoptable standards.

Planning Obligations

Policy CS4 (Developer Contributions) of the Core Strategy states that (where the LPA is minded to grant planning permission) developer contributions will be negotiated to secure the necessary physical, social and environmental infrastructure required as a consequence of development. The adopted Planning Obligations Supplementary Planning Document 2013 provides the detailed technical guidance for this policy and also states that planning obligations will be used to secure site related and/or community infrastructure required to make a development acceptable in planning terms.

The Council's Planning Obligations Supplementary Planning Document 2013 sets out when planning obligations will be sought, how they will be calculated and in what way the Council expects planning obligations from new development to be delivered. For the proposal with 69 dwellings in the countryside, there is potentially a requirement for developer contributions for affordable housing, transport, education, green infrastructure, renewable energy, employment & training placements and public art.

The Planning Obligations SPD would require that 20% of the proposed houses be affordable. The application proposes that 17% of the proposed dwellings be affordable housing. This would be 12 houses which would be located in the north western part of the site. There would be a tenure split of 75% affordable rent and 25% intermediate (cost above social rent but below market levels). Planning obligations up to the value of £225,500 are also proposed.

A Viability Assessment has been submitted and independently verified. This verification concluded that it has been demonstrated that the proposed scheme cannot support more than 17% affordable housing and planning obligations at £225,500 for matters including contribution to school places and in relation to open space provision (or to be spent on any other planning matter that needs to be mitigated as a result of the proposal).

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

For the reasons set out above the proposed development is considered to have an unacceptable negative impact on key environmental and social aspects of sustainable development and it is therefore being recommended that planning permission is refused in this case.

RECOMMENDATION

It is recommended that planning permission be refused for the following reasons:

1. The application site is located outside of the development limits as identified in the Borough of Darlington Local Plan 1997. The development limits are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside. The proposal would result in an obtrusive form of development that would be harmful to the character and appearance of the surrounding area. The application site forms a key strategic area of greenspace separating the villages of Middleton St Gorge and Middleton One Row thereby preserving their character as distinct settlements. Notwithstanding the fact that the Council cannot demonstrate a 5 year supply of housing land, having regard for the three key factors of sustainable development, the impacts on the character and visual amenity of the area are considered such that the proposal is not considered to accord with the National Planning Policy Framework 2012. The proposal is also not considered to comply with Policies E2 (Development Limits) and H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan 1997 or with Policies CS2 (Achieving High Quality, Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.
2. The proposal would be harmful to the character and significance of Middleton One Row Conservation Area by obscuring views of the surrounding countryside and removing an area of green space contributing to its character, appearance and significance. The application site helps maintain the setting of the Conservation Area and provides a visible link to the surrounding countryside which is integral to the area's character. The proposal does not sustain or enhance the Conservation Area nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary to the National Planning Policy Framework 2012 and with Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.
3. The local primary school (St George's Church of England Academy) is currently close to capacity and projections indicate that if the development were to proceed, the pupil yield would mean that the demand for school places in the village would considerably outstrip supply when also taking the already approved development for 250 dwellings at Sadberge Road (Ref: 13/00940/OUT) into account. Consequently, a considerable number of pupils would need to find places in alternative schools away from the Middleton St George contrary to guidance in para 38 of the NPPF. It is therefore considered that the projected degree of undersupply of school places would be contrary to the social sustainability objectives of the National Planning Policy Framework 2012.