

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8th July 2015

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APPLICATION REF. NO: 15/00041/OUT

STATUTORY DECISION DATE: 22nd May 2015

WARD/PARISH: MIDDLETON ST GEORGE

LOCATION: Land off High Stell Middleton St George,
Darlington

DESCRIPTION: Erection of up to 200 dwellings including
landscaping, open space, highway improvements
and associated works.

APPLICANT: Mr P Foster.

APPLICATION AND SITE DESCRIPTION

The application site is located on the western edge of the village centre and comprises an agricultural field of 8.46 hectares bounded on two sides by more fields and by the village Water Park to the north. The eastern boundary of the site abuts existing residential estate development at High Stell / Grendon Gardens. Vehicular access to the site is proposed via a strip of land off Grendon Gardens situated between two existing dwellings.

The application is in outline with all matters apart from access being reserved for later consideration. It is proposed to erect up to 200 houses together with the associated infrastructure and affordable housing would be provided in line with this Council's policy of 20% provision.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- 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 also relevant.

Other Documents

Planning Obligations SPD, January 2013

Strategic Housing Land Availability Assessment Update 5 Autumn 2013,(January 2014)

Darlington Strategic Housing Market Assessment 2012

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.

Some 420 objections have been received from local residents and the points raised are summarised below:

- *Traffic levels are already high – this development will result in a large increase.*
- *The road network is of a poor standard to take extra houses on this scale*
- *Local residents will suffer as a result of extra traffic from 200 new houses.*
- *The location of the proposed access point to Grendon Gardens is dangerous – it gets very congested when the schools turn out.*
- *Bus services in the area are inadequate.*
- *The proposed density of dwellings is too high.*
- *There would be noise and disturbance during construction.*
- *There is no capacity in the local school.*
- *The Doctor's surgery is already not large enough. .*
- *Local shops and services will not cope with more families.*
- *There would be a harmful impact on ecology and habitat.*
- *The amount of affordable housing proposed is inadequate.*
- *There is no need for affordable housing.*
- *There is no need for more housing.*
- *There are many houses for sale and rent in the area.*
- *Previous developments have been on brownfield sites not greenfield. .*
- *Middleton St George has already seen a lot of development in recent years.*
- *There are brownfield sites available in Darlington.*
- *Bus and train service not good enough to tempt people from their cars*
- *There are problems with sewerage and drainage in the area and the proposal will make this worse.*
- *The development will expand the village into a town / part of Darlington conurbation.*
- *The proposal is not in keeping with the area.*
- *The site is outside of development limits.*

- *The proposal would be contrary to the National Planning Policy Framework.*
- *The Making and Growing Places Preferred Options Development Plan Document 2013 does not support additional houses in this area.*
- *The development of the site was not supported by the SHLAA*
- *Supporting statement does not detail how the proposed development will improve the facilities within the villages.*
- *NPPF states that planning decisions should be guided by local opinion.*
- *Impact of development on adjacent waterpark will harm ecology etc*
- *Light pollution will impact on waterpark*

The Local MP has objected to the proposals, reflecting the comments above and those of the Parish Councils.

An objection was received from **MD2 Consulting Limited** on behalf of **Middleton St George Parish Council**.

1) The cumulative effect of the Gladman approval and the current High Stell application, 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 High Stell Lane site.

2) 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 of Brownfield sites in more sustainable locations in the wider Borough of Darlington). These development proposals include (i) a current detailed application for 69 houses at Middleton Lane (Reference 15/00019/FUL) (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 also (iv) the High Stell application proposing up to 200 houses in outline. 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 Middleton Lane should logically be resisted as they would further swamp the local housing market and overload inadequate local services and infrastructure within the village.

3) 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.

4) 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 High Stell 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 and there are only limited employment opportunities available locally.

- 5) Notwithstanding the current planning policy position, the application site is still located outside current limits to development and is still a Greenfield site in the open countryside.
- 6) 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 St George who already have, or are in the process of sending in their letters of objection.
- 7) Despite the detail of the Transportation Statement, this site is proposed to be accessed through existing housing estate which is characterised by narrow estate roads. Since the new owners would be substantially car dependent, increases in traffic will only serve to accentuate the congestion problem and may be detrimental to highway safety.
- 8) Notwithstanding the detailed appraisal conducted by the applicant in its Planning Statement, 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 the prospect of even more Greenfield development in the open countryside.
- 9) 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 .

Low Dinsdale Parish Council – Objects on the following grounds:

- Extreme traffic congestion at busy times near Grendon Gardens will be exacerbated by vehicles from 200 dwellings.
- On street car parking near the shops will increase
- Alternative forms of transport not good enough to get people out of their cars.
- Grendon Gardens route to the site very narrow and not able to take the extra traffic
- Present drainage systems within the village inadequate; Northumbrian Water is going to review the current system – proposed new development will increase these problems.
- The impact of the development on the adjacent Water Park has not been properly addressed by the applicants.
- The applicants have not addressed the likely impacts of the new development on local services such as the school, doctors, dentist and limited shops.
- Pre application consultation was inadequate – this Council was not directly invited to make representations as applicants not aware site was in Low Dinsdale.
- Limited responses to consultation at odds with the weight of local opinion against this proposal.

The **Campaign to Protect Rural England** objected to the application and raised the following points which have been summarised from the original submission:

- Local services such as the school, the doctors and the dentists, are already oversubscribed and unable to cope with local demand. The addition of 200 dwellings will exacerbate that situation. Residents will either not have access to facilities or will have to travel outside the village to access them, which is not sustainable.

- There have been recent incidents of the local sewerage system in the village overflowing into the streets. This indicates a lack of capacity the proposed development would exacerbate.
- The residents have major concerns regarding highways safety.
- It is noted the development master plan has only one access point which we understood is not welcomed by the emergency services who prefer two or more different access points.
- **National Planning Policy Framework** (Framework) This document has “standing” whatever the outcome of the Gladman appeal. We would make reference to certain paragraphs in the Framework: “Pursuing sustainable development involves...improving the conditions in which people live, work, travel and take leisure:” In our view “...the conditions in which people live, work, travel...” in Middleton St George will suffer a negative impact if the proposed development is permitted and reduce the overall sustainability of the village.
- “Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas” In our view this means taking account of the historic major increase in housing numbers within the village as old industrial and employment sites have been developed for housing. The amount of housing in Middleton St George has expanded significantly in recent years, but the services have not expanded at a matching level. In our view it is not possible to sustainably expand Middleton St George any further.
- There is a “presumption in favour of sustainable development” and states “For decision taking this means: Approving development proposals that accord with the development plan without delay: and where the development plan is absent, silent of relevant policies are out-of-date, granting permission unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
Specific policies in the Framework indicate development should be restricted”
- The Framework states “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.” This indicates the Framework considers school provision important.
- To permit the proposed development would have a seriously negative effect on school provision in Middleton St George and in our view be counter to the Framework.

Environment Agency – No objections subject to drainage conditions being attached to any permission granted.

Environmental Health – No objections provided certain noise, contaminated land and working times conditions are attached to any planning permission granted.

Highways England – A holding objection has been issued on grounds relating to the development’s impact on the strategic road network and a Travel Plan. Whilst this holding objection cannot be lifted until a suitably worded Section 106 agreement is signed, Highways England have confirmed that they have no objection to the development subject to the signing of a Section 106 Agreement. Similarly the applicants have confirmed they are willing to enter into an Agreement as detailed in discussions with Highways England thus far. It is considered therefore that the holding objection should not form part of any reason to refuse planning permission for the proposed development.

Highway’s Engineer – Has no objections to the proposals in principle subject to conditions but has raised the following concerns:

1. Concerned that the proposed access via Grendon Gardens will cause local residential amenity issues particularly during construction. A more appropriate access would be via High Stell or via both routes to dilute traffic impacts on residents.
2. However guidance says that the existing Grendon Gardens road width is suitable for up to 300 dwellings therefore it is not possible to object to the current proposal on traffic generation/road safety grounds.

Sustainable Transport Officer – No objections to the submitted Travel Plan. Some concerns regarding access to and from the site on foot, particularly via the nearby PROW network. Proposed cycling initiatives are welcomed. Contributions towards sustainable transport will be required should planning permission be granted.

Rights of Way Officer – No objections at this stage but would expect the condition/surfaces of the existing public rights of way to be improved should any planning permission be granted.

Northern Gas – No objections

Northumbria Water – Have confirmed that foul sewage can be disposed of into existing facilities. Have confirmed that surface water can be discharged into local watercourses – not the sewerage system. Have requested conditions be applied to any planning permission given.

Ecology Officer – No objections received to the proposals.

PLANNING ISSUES

This is an outline planning application the purpose of which is to establish the principle of residential development in this particular location. All other matters except the access point from Grendon Gardens remain as reserved matters to be submitted at a later date. The main issue for consideration is whether the development would be acceptable in terms of planning policy.

Planning Policy

The planning application site lies outside the development limits for Middleton St George 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.

A recent planning appeal decision (12th January 2015) which allowed up to 250 new homes on a site at Sadberge Road 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.

Economic role

Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. The Inspector at the Sadberge Road appeal found that at the present time Darlington appears to be falling short of its requirements in terms of housing construction. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract weight.

Shopping and community provision in Middleton St George is good for a settlement of its size, there being a number of shops, including a chemist as well as a variety of services that include a health centre and a dentist. Additional population, residing in the proposed development, would undoubtedly generate more expenditure to support these types of business, which in many rural communities are under threat.

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

Social role

The proposal would contribute to the choice and supply of housing at a time when there is an accepted need to increase the supply. The applicants have confirmed it would provide 20% of the dwellings as affordable housing, which is in accordance with Core Strategy Policy CS11. The applicants have stated that it would work towards entering into a Section 106 Agreement which would provide funding to extend the local primary school, improve local sports pitch provision and secure the extension and improvement of a pedestrian cycle route between the appeal site and the centre of the village.

The Sadberge Road appeal Inspector found that Middleton St George is a socially sustainable settlement. As well as the facilities referred to above he considered that there is a thriving local community with numerous activities taking place throughout the week. There is a railway station with a half hourly service to Darlington and Teesside (hourly on Sundays) and a bus service with similar frequencies to Darlington. Both are within easy walking distance of the appeal site as are the village shops, services and facilities.

The Framework at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Both are within walking distance of much of this site, however 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 into account. The level of undersupply is predicted to exceed 40 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. 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.

Environmental role

The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless, that does not mean that those other considerations, including the protection of the amenities of local residents, should be disregarded.

Paragraph 14 of the Framework states that in presuming in favour of sustainable development, permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

Mention has been made above about the numbers of new dwellings to be served by the Grendon Gardens/Greenway route onto Station Road. 75 existing dwellings and 200 proposed dwellings remains below the threshold of 300 dwellings which guidance suggests is acceptable for the width of the Grendon Garden/Greenway route. The Highways Engineer expressed concerns that the increase in traffic would be likely to result in amenity problems for existing residents, but could not object on highway safety grounds.

Site inspection reveals that the alignment of the highway leading to the site is such that local residents are likely to suffer from considerable amenity impacts from the passage of additional traffic generated by 200 dwellings from the application site.

There are two right angled bends / junctions on the route, which whilst being at the limits of acceptable width in highway safety terms will be likely to result in unacceptable noise and disturbance to local residents from the passage and manoeuvring of vehicles associated with the proposed development. A less contorted route would be likely to reduce these impacts. Similarly the access to the site itself runs close between two existing dwellings which will suffer increases in noise and disturbance from the proposed development. The provision of a scheme of acoustic

barriers in this locality was considered but because of the close proximity of the receptors to the traffic, they would not be a practical solution and would not be likely to be effective.

The above impacts are in the long term – in the shorter term there will be further similar issues associated with construction traffic negotiating the existing estate roads described above. These impacts will be exacerbated by the nature and scale of the traffic likely to be generated by the building out of the development if approved.

A Travel Plan has been prepared which includes a number of initiatives supported by the Sustainable Transport Officer, however it is considered that these will not reduce car borne traffic to such an extent as to alleviate the amenity problems referred to above.

Policy CS14 of the Core Strategy is concerned with protecting the landscape character of the Borough. Whilst the development would represent an extension into open countryside, the landscape does not benefit from any special quality designation. It is also considered that the site would to a certain extent be visually contained by landscape features including existing boundary vegetation and the raised embankments of the water park to the north and the field edge to the west. It is also considered that the development would not compromise the strategic openness separating the village from Darlington. The development is not therefore considered to be unacceptable on visual amenity grounds.

No issues have been raised by relevant consultees regarding flooding or drainage of the site.

No comments have been received from consultees relating to the impact of the proposals on local archaeology.

Other considerations

The applicant has cited the benefit of New Homes Bonus receipts for the Council that would arise from the development. Planning legislation states that the LPA must have regard to local financial considerations so far as they are material to the development. Whether a local financial consideration is material depends on whether it could help to make the development acceptable in planning terms. However it would not be appropriate for the potential of a development to raise money for the Council in general terms to have a bearing on the decision.

Conclusion

It is considered that the proposed development conflicts with certain aspects of the National Planning Policy Framework in that it fails two of the three tests of sustainable development.

The cumulative impact of the development on the demand for places in the over - subscribed local Primary School is considered to conflict with the social sustainability credentials of the proposed development. The resultant need to transport Primary School children away from the local village to schools elsewhere is not considered to be in conformity with Paragraph 38 of the NPPF which indicates that key facilities such as Primary Schools should be within walking distance of large scale developments. The proposed development would be likely to generate some 40 children and it is considered that this would exacerbate to an unacceptable degree an issue likely to materialise as a result of the Sadberge Road site approval.

The impact of traffic generated by 200 dwellings on the amenities of residents living along the Grendon Gardens/Greenway route to the site is considered to be unacceptable. The physical nature of the route, combined with the scale of the development, whilst not contravening

highway design guidance, nevertheless is such as to create unacceptable noise and disturbance impacts and would be in conflict with the sustainability aims of the NPPF.

The economic and social benefits identified by the applicant are not considered significant enough to be regarded as material considerations of sufficient weight to outweigh the detrimental impacts detailed above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION

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

1. The local primary school 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, taking into account the already approved development at Sadberge Road.
The resultant need to transport Primary School children away from the local village to schools elsewhere is not considered to be in conformity with Paragraph 38 of the NPPF which indicates that key facilities such as Primary Schools should where practical be within walking distance of most properties in large scale developments.
2. The public highway leading to the application site includes two right angled bends / junctions , which whilst being at the limits of acceptable width in highway safety terms will be likely to result in unacceptable noise and disturbance to local residents from the passage and manoeuvring of vehicles associated with the proposed development. The access to the site itself runs close between two existing dwellings which will suffer increases in noise and disturbance from the proposed development.
Furthermore, in the short term there will be similar issues associated with construction traffic negotiating the existing estate roads described above. These impacts will be exacerbated by the nature and scale of the traffic likely to be generated by the building out of the development if approved. This is considered to be in conflict with the environmental sustainability requirements of the NPPF.