

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

<b>COMMITTEE DATE:</b>	<b>18<sup>th</sup> October 2017</b>
<b>APPLICATION REF. NO:</b>	<b>17/00358/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>24<sup>th</sup> July 2017</b>
<b>WARD/PARISH:</b>	<b>SADBERGE AND MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Land off Middleton Road Middleton Road Sadberge Darlington</b>
<b>DESCRIPTION:</b>	<b>Erection of 25 no. dwellings and provision of access from Middleton Road (Amended plans received 5th September 2017)</b>
<b>APPLICANT:</b>	<b>Carlton Development Management Limited</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated to the south of Sadberge, on the east side of Middleton Road and consists of a paddock measuring some 0.75ha in area, most recently used for the grazing of horses. The northern half of the site lies within the Sadberge Conservation Area and the southern half of the site lies within the setting of the Sadberge Conservation Area. A modern pumping station is situated at the southern end of the site and stables are situated to the northern end of the site.

Planning permission is sought for the erection of 25 dwellings with associated access and landscaping.

- Low density development of around 33 dwellings per hectare;
- Access from Middleton Road with development in a cul-de-sac form, with the use of shared surfaces and private driveways where possible to create a pedestrian friendly layout;
- Active frontage onto Middleton Road;
- A variety of family dwellings from 3-4 bedrooms with a mixture of two and two and a half storey dwellings;
- Associated landscaping and private amenity spaces

The proposal has been the subject of pre-application consultation exercises with local residents in accordance with the Council's guidance contained within the Statement of Community Involvement document (2010).

Application documents including Heritage Statement and Design and Access statement, detailed plans and consultation responses, representations received and other background papers are available on the DBC website.

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **PLANNING HISTORY**

There is no relevant planning history attached to the application site.

### **PLANNING POLICY BACKGROUND**

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- 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
- 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 Council’s Design of New Development Supplementary Planning Document 2011 is relevant.

The National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance are also relevant.

### **RESULTS OF CONSULTATION AND PUBLICITY**

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

17 letters of objection have been received and the main points raised are summarised below:

- *Contrary to Local Plan;*
- *Contrary to Parish Plan;*
- *No need for additional housing in Sadberge*
- *Impact on character and appearance of conservation area;*
- *Not in keeping with existing housing;*
- *Major impact on neighbours;*
- *Greenfield site;*
- *Not a sustainable location, no shops and public transport; Not sustainable development;*
- *Outside of development limit;*
- *Highway safety; Increased congestion;*
- *The development will set a precedent;*
- *Loss of agricultural land;*
- *Contribution will not keep bus service going to two years;*
- *Dependence on private car;*
- *Impact on wildlife;*
- *Pressures on existing utilities and infrastructure;*
- *Significant risk of flooding;*
- *Lack of schooling;*
- *There are alternative brownfield sites in Sadberge that are not of high environmental value which could be developed;*
- *Noise issues;*
- *Air pollution*

Three letters of support have been received and the main points raised are summarised below:

- *The proposal will complement the historical character of the entrance to the village;*
- *Good choice of homes of varying sizes;*
- *Will add modern affordable homes to the village;*
- *Entrance minimises traffic impact into the village;*
- *Will help support bus service for the next two years;*
- *Will help support the remaining services;*
- *Sustainability of the village can only come through growth and change;*

The following points that are not material planning considerations were made:

- *We are being held at ransom by developers after the borough council were found to be incompetent;*
- *Lost faith in the planning department - no longer have any control over the areas they are paid to control;*
- *Development driven only by greed;*
- *There have been a number of similar houses up for sale within the village that have not been sold;*
- *Loss of views over the open countryside;*

The **Highways Engineer** raised no objections to the proposed development subject to conditions.

The **Historic Assets Officer** has raised no objections to the proposed development.

The **Transport Policy Officer** has raised no objections to the proposed development.

The **Environmental Health Officer** raised no objections to the proposed development.

The **Archaeology Officer** raised no objections subject to conditions.

The **Ecology Officer** has raised no objections to the proposed development subject to conditions to secure biodiversity gain within the development.

The **Flood Risk Management Team** has raised no objections subject to conditions requiring a detailed scheme of surface water drainage and management, and for this to be in place and operational prior to occupation.

The **Police Architectural Liaison Officer** has raised no objections to the proposed development.

**Northumbrian Water** has raised no objection subject to a condition requiring development be undertaken in accordance with the Flood Risk Assessment and Surface Water Management Strategy.

**Northern Gas Networks** has raised no objections to the proposed development.

**Campaign to Protect Rural England** has objected to the proposed development. The main points raised are summarised below:

- *As a result of recent case law, policies which deal with more issues than housing are not deemed to be out of date if there is no proven 5 year housing supply; E2 is up to date and carries weight;*
- *Application is contrary to relevant policies;*
- *Development will bring unacceptable harm to the character and appearance of the rural area;*
- *Development will have a negative impact on the intrinsic quality of the agricultural land;*
- *Local facilities are already oversubscribed;*
- *Concerns about the potential impact of the development on the conservation area;*

**Sadberge Parish Council** objected to the proposed development. The main points raised are summarised below:

- *Detrimental to community spirit and quality of life in Sadberge;*
- *Contrary to Parish Plan;*
- *Sadberge is not a suitable location for sustainable development;*
- *The proposal is contrary to the local plan and the NPPF;*
- *Middleton Road is unsuitable for cycling;*
- *No pavement along the east side of Middleton Road - anyone wishing to walk into the village would have to cross road;*
- *Problems with parking in and near the proposed development;*
- *Increase in traffic;*
- *Development out of character with the village;*

- *Developers community consultation leaflet was only delivered to about a third of the households in Sadberge and the planning consultants declined an invitation to attend a Parish Council meeting to discuss the proposed development;*
- *Middleton Road is an old Roman Road and there is a risk that the development may damage or destroy archaeological features of historical interest.*

## **PLANNING ISSUES**

The main issues to be taken into consideration in the determination of this planning application are:

- Principle of development
- Impact on Designated Heritage Assets
- Impact on non-designated Heritage Assets (Archaeology)
- Impact on character and appearance of the countryside and the village
- Highway and sustainable transport issues
- Surface water and flood risk
- Land contamination
- Design and layout
- Residential Amenity
- Loss of Agricultural Land
- Ecology
- Developer Contributions
- Delivery

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

The site is located outside, but adjacent to the development limits as set out in the Local Plan. Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits. 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.

The NPPF at paragraph 47 sets out a requirement for local planning authorities to significantly boost the supply and delivery of housing. This includes a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Recent case law has established that

in these circumstances, only policies that relate strictly to the supply of housing should be considered out of date. The Council cannot currently demonstrate a five-year supply of suitable, available and deliverable housing land and consequently planning policies relating to the supply of housing land cannot be considered up to date.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Saved Local Plan policies and surviving Core Strategy policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

The proposed development falls within the scope of 'development that should be restricted' due to the location of the site within the Sadberge Conservation Area, and therefore the first consideration is the impact of the proposal on designated Heritage Assets.

### **Impact on Designated Heritage Assets**

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.

This is in general accord with the core planning principles of the NPPF as they relate to conserving heritage assets in a manner appropriate to their significance, contributing to conserving and enhancing the natural environment and seeking high quality design.

As this proposal is situated in, and within the setting of, the Sadberge Conservation Area, the development must be considered against paragraph 131-134 of the NPPF in terms of its impact on the significance of designated heritage assets.

This recommendation must also be mindful of the requirements to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area, as set out in statute. The consideration of this issue goes to the heart of the decision making process. Notwithstanding the fact that the Council cannot demonstrate a five-year supply of housing sites, an assessment of the impact of the development on heritage assets must be the first consideration.

Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as listed buildings and conservation areas) and states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,

the desirability of new development making a positive contribution to local character and distinctiveness.

The framework goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Paragraph 133 sets out the requirement to consider whether a proposed development will lead to substantial harm, or total loss of a designated heritage asset, in which case planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed, as a separate exercise, against the public benefits of the proposal, including securing its optimum viable use.

### **Sadberge Conservation Area**

Sadberge Conservation Area was designated in 1972 for the following reasons:

*Sadberge lies at a point where the Roman Road from Middleton One Row crosses a commanding east-west ridge and the steeply falling north green commands views over the open countryside. The Conservation Area includes the green and historic areas round the Church, the earthworks north of the village, and other open land necessary to safeguard the appearance of a ridge village in the landscape. The boundary of the Conservation Area was extended in 1999.*

Sadberge Conservation Area does not have the benefit of a Conservation Area Character Appraisal.

A detailed Heritage Statement (HS) was submitted with the application. This has been prepared to assess the potential impact of the proposed residential development on the character and appearance of Sadberge Conservation Area and the setting of other designated heritage assets in the locality.

The application site sits to the south of the Conservation Area. The site rises gently from south to north, as the approach to the village, however in relation to the main historic core of the village, is relatively flat and not highly visible from the historic core. However, its position on the approach to the village and its rural character are considered to make a positive contribution to the Sadberge Conservation area and that of its setting.

Amendments were made to the plans following discussions with Council officers concerning the design and layout of the scheme. The Council's Conservation Officer has made the following comments:

- *Scale and massing: The scale and massing is generally appropriate for this site considering the topography which slopes gently away from the village;*
- *Layout: The layout has been amended to better address the street frontage. In particular, plot 1 has been rotated to front the street. The amended layout is acceptable;*

- *Streetscape: An amended elevation for the units facing Middleton Road has been submitted showing an (almost) continuous terrace along this frontage. This better reflects the terraced form of the plot development in the village. I suggested that this terrace had a greater variety of unit types to add character and variety to the street frontage and roof scale and the amended scheme goes some way to achieve this;*
- *Design: The use of good quality materials in construction is essential in this prominent location. I have no objections to the materials subject to these being subject to condition. I had some concerns about the detailed design, which was a combination of both traditional and contemporary features. This has been amended and the design is acceptable;*
- *Landscaping: I support the screening of the existing pumping station with a cluster of trees in this location. A detailed hard and soft landscaping scheme, including boundary treatment, should be subject to condition.*

The Heritage Statement concludes that the proposed development would not adversely affect any listed buildings due to the site not falling within the setting of listed assets, but would have a minor adverse impact on the character of the Conservation Area, as an extension to the south of the village which would be visible from the southern approach along Middleton Road. However while the appearance of the Conservation Area will change in this locality, the report states that the design of the scheme responds to the local vernacular and distinctiveness and the proposed tree planting will hide the existing functional pumping station and maintain the leafy approach to the village with a green verge.

The report finds the harm to be ‘less than substantial’ and officers are in agreement with this assessment. In accordance with NPPF (Para 134) this harm should be weighed against the public benefits of the proposal. The Heritage Statement and supporting information within the submitted application put forward significant public benefits as follows:

- Help address the significant identified shortfall in deliverable housing land across the Borough;
- Delivery of 25 no. terrace, semi-detached and detached dwellings;
- Provision of 20% affordable housing on-site;
- A financial contribution to support the local bus service;
- Support local services; and
- Provide local employment opportunities.

Taking into consideration the impact of the scheme on the Conservation Area, by virtue of its location, layout, design and scale, and the loss of green space, and taking into account the amended design, the ‘less than substantial harm’ to the significance of the Sadberge Conservation Area is considered to be outweighed by the significant public benefits identified, in particular the provision of on-site affordable housing.

### **Impact on non-designated Heritage Assets (Archaeology)**

Paragraph 135 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It states that in weighing applications that affect directly or indirectly non-designated heritage



assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 141 of the NPPF requires that Local Planning Authorities make information about the significance of the historic environment gathered as part of plan making or development management publicly accessible. It states that they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

There is a potential archaeological interest in the site, as it is adjacent to a Roman Road and it is possible that the remains of roadside buildings will be present within the proposed development area. The County Archaeology Officer has been consulted and has raised no objections to the proposed development subject to planning conditions to secure pre-development archaeological work and recording, in line with an approved scheme of investigation.

### **Impact on Character and Appearance of the Countryside and the village**

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements.

The site, which is currently used as a paddock for grazing horses, adjoins the built form of the village along the sites northern boundary. Given the nature and position of the site, and the design and scale of the proposed dwellings, it is considered that the development would appear as a modest extension to the southern aspect of the village and would not impact adversely on natural landscape character. A substantial indicative landscaping plan was submitted with the application. Should planning permission be granted, suitable planning conditions relating to details of landscaping should be attached to the consent ensuring that the overall impact of the development will be softened to an acceptable level and the leafy aspect on the approach to the village maintained, and to ensure that an agreed landscaping scheme is implemented and maintained.

### **Highway and sustainable transport issues**

A Transport Statement undertaken by TPS Transport Consultants Ltd (April 2017) was submitted in support of the application. The report concludes that the development will not result in a severe impact on the operation of the local road network.

The Highways Officer has been consulted and has confirmed that the additional development traffic would not generate a severe impact on the highway network.

It is recommended that planning conditions are attached to any approval to secure the following:

- a) A Construction Management Plan;
- b) Vehicle Swept Path Analysis to support the movement framework for emergency vehicles;
- c) Details of the off-site highway works required to access the site and mitigate the development impact to include; the formation of a new site access junction; and, the provision of a new footway and crossing point along Middleton Road connecting into the surrounding infrastructure; and, a traffic calming feature at the entrance to the 30mph speed limit; and, resurfacing of Middleton Road to remove the coloured ripple print surface; and, resurfacing on the approaches to comply with current skid resistance policy;
- d) Removal of permitted development rights to retain the in-curtilage parking including the retention of the open carports for dwellings 12 and 13 and a restriction on any garage doors / gates on the frontage of the structures to prevent blocking of the turning facility.

The village does not meet the key sustainability factors for the villages, as it does not have a daytime bus service every 30 minutes or more, or a rail station within 2km. The development does however have access to a subsidised bus service and based on 80% or more of the site is within 400m walking distance of a bus stop, the closest being situated on Middleton Lane. Service 20 runs from this stop, running three journeys on a Monday only. This service is due to cease in 2019 due to lack of funding and as such, a financial contribution would be required to fund the service for a further two years (2021) to which the applicant has agreed. The current three journeys on a Monday provide residents with access to key services and the long-term aim will be to increase the number of days / frequency service 20 runs through other development contributions along the route. This is detailed in the 'Developer Contributions' section below.

### **Surface water and flood risk**

The site is situated within Flood Zone 1. The applicant has submitted a Flood Risk Assessment and Surface Water Management Strategy undertaken by ID Civils Design Limited (March 2016).

The above document has been amended to satisfy concerns raised by Stockton Borough Council acting as Local Lead Flood Authority, regarding the location of the storage for surface water within what would be private residential curtilage, rendering long-term maintenance arrangements uncertain. The amendment includes provision for storage in the highway.

Stockton Borough Council has assessed the level of information submitted with this application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and funding arrangements. A condition is also recommended which secures implementation in accordance with the Flood Risk Assessment and Surface Water Strategy report together with a restriction of occupation of dwellings until the surface water management system for the development or any phase is in place and fully operational.

### **Land contamination**

A Preliminary Contamination Risk Assessment undertaken by FWS Consultants Limited (February 2017) was submitted in support of the application.

The report has not identified any contamination issues or constraints and as such, the Environmental Health Officer has recommended that no further contamination investigations or assessments are warranted or necessary.

### **Design and layout**

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.

The application has been the subject of continued pre-application discussions in terms of its design and layout, and as described above, has more recently been amended to address Conservation Area concerns. It is considered that the proposal represents an appropriate response to the site, in terms of design and layout, allowing natural surveillance, connections and retention of the natural features of the site where possible.

### **Residential Amenity**

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

The proposed layout is considered acceptable in the context of the above and raises no significant issues in respect of the residential amenity of existing residents or the occupiers of the proposed dwellings.

A Noise Assessment undertaken by LA Environmental (March 2017) was submitted in support of the application. The report has assessed how road traffic noise from the A66 and Middleton Road could impact on the development. Following measurements of road traffic noise on site the report concludes that the most prevalent noise source at the site is Middleton Road.

The report sets out the noise amelioration measures to be incorporated into the development to ensure that suitable levels of residential amenity are achieved both inside and outside the proposed dwellings. These include provision of acoustic ventilators within the buildings to allow occupiers to ventilate their rooms without having to open a window. The exact specification of the measures has not been set out in the report. The Environmental Health Officer has been consulted and has raised no objections subject to a planning condition to secure submission and agreement of the exact noise amelioration measures proposed, together with a restriction on timing of construction work and delivery of materials.

Due to the situation of the site within a Conservation Area and the compact nature of the site, it is recommended that permitted development rights are removed by planning condition, requiring extensions and alterations to be approved by the local planning authority.

### **Loss of agricultural land**

At paragraph 112, the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant

development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

A number of objectors have concerns regarding the loss of agricultural land that the development would cause. In cases where there is doubt about the quality of the agricultural land, the applicant would be asked to submit further information. In this case, the land in question is not currently used for agriculture and has not been for a number of years, and in any event, is considered to be moderate in terms of its agricultural land quality. Given the limited size of the site, its loss is not considered significant.

## **Ecology**

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

An Extended Phase 1 Habitat Survey undertaken by Delta Simons (August 2016) was submitted in support of the application. The site was assessed to have negligible ecological value and is not considered suitable to support protected species due to it being well-maintained grassland, with limited habitat structure and floral species diversity. A pond situated within immediate proximity to the site (to the east) is deemed unsuitable to support Great Crested Newts.

The report recommends the following:

- i. That native plant species sourced from local nurseries is utilised in landscape proposal to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-site;
- ii. Installation of four bird nest boxes (two suitable for small hole nesting birds such as blue tits and great tits, one open fronted box suitable for robins and wrens, and a terrace nest box suitable for house sparrows) on the walls of the garages of the new properties to be installed in a sheltered and undisturbed position at a height of at least 3m and avoiding a southerly aspect.

The Ecology Officer has been consulted and agrees with the conclusions of the report, however has asked for some amendments to be made to the recommendations to include; amendment

from externally fitted habitat boxes to internally built in types; three bat boxes on southern and western faces of houses; three House Sparrow box bricks, under eave; three internally fitted swift boxes, or externally made of non-wood, fitted under eaves on northern and eastern face of houses.

Overall, it is considered that subject to a condition to secure submission and agreement of the above details, together with a condition to require compliance with the recommendations, it is considered that the proposed development will conserve and enhance the natural environment.

### **Developer Contributions**

The application includes proposals in the form of Heads of Terms for developer contributions in line with the requirements of the Planning Obligations SPD.

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The Draft Heads of Terms proposes the following:

- i) £30,000 towards public transport provision to fund service 20 for 2 years (2021);
- ii) 20% Affordable Housing to be provided on-site.

The above Heads of Terms were submitted with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

### **Delivery**

As detailed earlier in this report, as the interim planning position set out for housing in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified; if a planning application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the commencement of development from the date of approval. Should planning permission be approved, it is recommended that this approach be followed.

### **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

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Paragraph seven of the NPPF sets out the three dimensions of sustainable development; social and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

The proposed development is considered to comply with the relevant policies of the local plan and contribute to the three dimensions of sustainable development. In particular, the proposal, along with the mitigation and improvements outlined within this report, will not unacceptably impact on strategic infrastructure, has access to education facilities and access to local services, has accessibility to public transport and connectivity with existing settlements, does not prejudice the good planning and future delivery of the strategic vision for the borough; and is compliant with the relevant policies set out in this report.

The impact on the historic environment is a significant factor that has been taken into account in the decision making process. The design of the proposal is considered to be in keeping with the character and appearance of the Sadberge Conservation area and the 'less than substantial harm' is significantly outweighed by the public benefits of the proposal, and in particular, the delivery of on-site affordable housing.

The impact on landscape character and the impact on nature conservation and wildlife has been taken into account in the decision making process. Overall, it is considered that the proposal will conserve and enhance the natural environment.

The size and siting of the proposed dwellings would be such that no significant detrimental impacts in terms of light, outlook or overlooking issues would be raised. The proposal is considered acceptable in respect of its impact on highway safety.

Conditions are required in relation to archaeological work, noise amelioration, surface water drainage, ecology, noise, highways and landscaping.

The above issues have been considered in the context of the sites Conservation Area location, the impact on landscape character and the lack of a five-year supply of suitable, available and deliverable housing land, and in the face of a requirement for local authorities to significantly boost the supply and delivery of housing. Overall, it is considered that the benefits of the

proposed development significantly and demonstrably outweigh the impacts identified in this report.

**RECOMMENDATION**

THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

- i) SUSTAINBLE TRANSPORT CONTRIBUTION OF £30,000;
- ii) AFFORDABLE HOUSING

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

1. A3 Implementation Limit (18 months)
2. PL (Accordance with Plan)

Drawing No. 3 Proposed development Layout (6<sup>th</sup> October 2017)

Typical Garage details (6<sup>th</sup> October 2017)

House Type A Plans / elevations

House Type B Plans / elevations

House Type C Plans / elevations

House Type E Plans / elevations

House Type F Plans / elevations

3. B4 Details of Materials (samples)
4. E2 Landscaping (Submission)
5. E5 Boundary Treatment (Submission)
6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
  - b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
  - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order [2015] (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

8. The garaging, car ports, hardstanding and car parking areas shown on drawing No. 3 (dated 6<sup>th</sup> October 2017) and 'Typical Garage details' (dated 6<sup>th</sup> October 2017) shall be provided prior to the dwelling to which they relate being first occupied and thereafter they shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.

REASON – To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to serve the dwellings.

9. The open car ports provided for dwellings 12 and 13 a shown on drawing No. 3 (dated 6<sup>th</sup> October 2017) and 'Typical Garage Details' (dated 6<sup>th</sup> October 2017) shall remain open parking spaces and no garage doors or gates shall be installed on the frontage of the structure without the prior written consent of the Local Planning Authority to whom a planning application must be made.

REASON – To prevent blocking of the turning facility and to ensure the provision of adequate off-street parking accommodation to serve the dwellings.

10. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment and Surface Water Management Strategy' dated March 2016 and ensure that foul flows discharge to the foul sewer at manhole 2601 and ensure that surface water discharges to the CSO overflow water sewer at manhole 1502. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Local Lead Flood Authority.

REASON – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and



thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure
- III. A management plan detailing how surface water runoff from the site will be managed during construction Phase
- IV. Details of adoption responsibilities;
- V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The buildings hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Surface Water Management Strategy Report no 4717/FRA01C Dated March 2016, Revision B dated 22/9/2017 and the following mitigation measures detailed within the FRA

- Surface water flows from the site will be restricted to 5l/sec
- All storm events up to and including the 1 in 100+40%cc will be contained within the surface water drainage system
- The Pipe drainage networks including the 1 in 100+40%cc will be adopted by Northumbrian Water

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON - To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

REASON - To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

14. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in accordance with the approved Construction Management Plan.

REASON – In the interests of highway safety.

15. No development shall commence until a vehicle swept path analysis has been undertaken and approved to support the movement framework for emergency vehicles, refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

12. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the formation of a new site access junction, the provision of a new footway along the frontage of the development on Middleton Road connecting into the surrounding infrastructure, a traffic calming feature at the entrance to the 30mph speed limit, resurfacing of Middleton Road to remove the coloured ripple print surface and resurfacing on the approaches to comply with current skid resistance policy. The development shall not be carried out otherwise than in complete accordance with the approved details and the works should be complete prior to occupation of the first dwelling.

REASON – In the interests of highway safety.

13. Prior to the first occupation of the homes hereby approved confirmation of the type of noise barrier and the noise amelioration measures to be incorporated into the facades of the dwellings fronting onto Middleton Road must be submitted to, and agreed in writing by, the Local Planning Authority. Details for the noise barrier must include construction materials, method of construction and its exact location on site. The submitted documents for the facades of the dwellings shall include calculations to show that for the specified glazing and ventilation strategy sound levels detailed in 'BS:8233 Sound Insulation and Noise Reduction for Buildings' can be achieved for living rooms and bedrooms fronting onto Middleton Road.

REASON – To protect the amenities of the occupiers of the dwellings.

14. Construction work, including delivery of materials and the removal of wasters from the site shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-14:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

15. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey 16-0592.01 (August 2016).

REASON – In the interests of ecology.

16. Notwithstanding the recommendation contained in the Extended Phase 1 Habitat Survey 16-0592.01 (August 2016) prior to works commencing on site, details of the specification and number of habitat boxes and their precise locations on the site, shall be submitted to and approved in writing by, the Local Planning Authority. The approved measures and position shall be erected before the development hereby approved is brought into use and retained in perpetuity.

REASON – in the interests of ecology.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings

REASON – To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

18. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with para. 141 of the NPPF, which ensures information gathered becomes publicly accessible.

### INFORMATIVES:

A sewerage rising main and a trunk water main cross the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to, our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

The site is located in close proximity to a sewage pumping station. By nature of its function as part of our statutory duty as a sewerage undertaker, the works can produce odour and noise during daily operations. We would advise a minimum distance of 15 metres is maintained between the pumping station and the proposed habitable rooms.

The developer is required to submit detailed drawings of the proposed internal highway and off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made within the Assistant Director: Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development.

An appropriate street lighting scheme and design to cover the new adopted highways and proposed amendments should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M Clarkson 01325 406652) to discuss this matter.

The applicant is advised to contact the Assistant Director: Highways, Design and Projects (contact Mrs Brenda Bowles 01325 406708) to discuss the introduction of a 20 mph zone.

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. **The discharge rates from the site will be restricted to the 5l/sec (QBAR value)** with sufficient storage within the system to accommodate a **1 in 100+40% year storm**. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The FRA makes no reference to “Urban Creep”, an allowance of 10% should be included within the detailed surface water drainage design

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to **8 weeks** for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
  2. 1 in 100 year plus 20% climate change;
  3. 1 in 100 year plus 40% climate change;
- Drainage systems can be designed to include a 20% allowance for climate change;
  - A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to **people/property/critical infrastructure/third parties elsewhere**.
  - If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

**The applicant must consider local guidance detailed in the ‘Tees Valley Local Standards for Sustainable Drainage’. It is recommended that the applicant make contact with the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.**