

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 11 March 2015**

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| <b>APPLICATION REF. NO:</b>     | <b>14/01196/FUL</b>                                                                                                           |
| <b>STATUTORY DECISION DATE:</b> | <b>2 March 2015</b>                                                                                                           |
| <b>WARD/PARISH:</b>             | <b>SADBERGE AND WHESSOE</b>                                                                                                   |
| <b>LOCATION:</b>                | <b>Land to The South Of Lea Close<br/>Middleton Road<br/>SADBERGE<br/>DARLINGTON<br/>DL2 1RN</b>                              |
| <b>DESCRIPTION:</b>             | <b>Demolition of existing farm buildings and scaffolding depot and erection of 4 No dwelling houses (Revised application)</b> |
| <b>APPLICANT:</b>               | <b>Mr Ian Mitchell</b>                                                                                                        |

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the demolition of existing farm buildings and scaffolding depot and for the erection of 4 No dwelling houses.

A new cul-de-sac parallel to Middleton Road is proposed which would be accessed from the same point as the existing access. The proposed linear development would feature four, two-storey, detached houses which would each have a private drive onto the new access road.

The application site is to the east of Middleton Lane. There is an existing detached house to north of the site and to the south are houses and kennels. To the east are open fields.

The site is currently home to a haulage business and scaffolding business. The appearance of the site detracts from the area although this is lessened by the line of large conifer trees along the boundary with Middleton Lane.

**PLANNING HISTORY**

A previous application for 6 dwellings (Ref: 14/00647/FUL) was refused on 3 October 2014 for the following reasons:

- 1. The proposal would result in the creation of a relatively isolated residential development projecting into the open countryside that would detract from the rural character of the*

*surrounding area by eroding the distinction between the established settlement (Sadberge Village) and the surrounding countryside. The proposal does not therefore comply with Policies CS2 (Achieving High Quality, Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 or with saved Policy H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan 1997.*

2. *The application site is not in a sustainable location with easy access by a range of travel modes and future occupiers would be unduly reliant on the use of private cars. The proposal does not therefore comply with Policies CS1 (Locational Strategy) and CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 or with saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997.*
3. *The Viability Assessment that has been submitted does not demonstrate that developer contributions would make the proposal unviable. As such the proposal fails to accord with Policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 and with the Council's Planning Obligations Supplementary Planning Document 2013.*

## **PLANNING POLICY BACKGROUND**

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E4 – New Buildings in the Countryside
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint
- T8 – Access to Main Roads

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 Design for New Development Supplementary Planning Document 2011 is also relevant:

## RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal and a site notice was displayed. No objections have been received.

The **Highways Engineer** raised no objection subject to conditions relating to details of the access junction, street lighting, refuse storage and for a construction management plan.

The **Environmental Health Officer** commented that a condition regarding contamination is required.

The **Highways Agency** raised no objections.

**Environment Agency** advised that the proposal falls outside of the scope of matters on which they would comment.

**Northumbrian Water** made no comments but advised that there are no public sewers in the area.

**Northern Gas Network** raised no objections.

**Durham Police Architectural Liaison Officer** raised no issue with the design of the development and advised that physical security features be adopted.

## PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Visual Amenity
- Location Sustainability
- Residential Amenity
- Ecology
- Drainage / Flooding

### Planning Policy

The site is located outside of the development limits as identified in the Borough of Darlington Local Plan (Policy E2 – Development Limits). This policy is intended to safeguard the countryside and to focus development into the most sustainable areas.

Policy H7 (Areas of Housing Development Restraint) of the Local Plan only allows new dwellings in the countryside where they are for identified agricultural needs or where it involves the conversion of certain existing buildings.

Policy CS1 (Locational Strategy) of the Core Strategy restricts development outside of development limits to that meeting identified rural needs which this proposal does not fulfil.

Members are asked to consider the policy context of the proposal in the light of the recent appeal decision relating to the Gladman development as far as it relates the 5 year supply of housing in the Borough. Planning permission was refused on 5 March 2014 for an outline application for residential development of up to 250 dwellings on Sadberge Road in Middleton St George (Ref: 13/00940/OUT). A subsequent appeal was allowed (12 January 2015) and in this the Planning Inspector considered that the Council cannot demonstrate a five year supply of suitable, available and deliverable housing land. The Inspector's decision 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 Core Strategy, and parts of saved Local Plan Policies E2 and H7) cannot be considered up to date. In these circumstances, national planning policy is clear that planning applications for new housing must be considered according to the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### Visual Amenity

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 Development Plan Document states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected.

The revised application is for four detached dwellings in a linear form between an existing residential property to the north and two residential properties to the south. The proposal offers an opportunity to improve the appearance of the site and a line of conifer trees along Middleton Lane which provide a good level of screening would be retained. Notwithstanding the previous reason for refusal, the amended application is for fewer dwellings and would fit in better with the surrounding development pattern. To this extent, it is not considered that the application could be refused due to its impact on visual amenity. As the development would be on a brownfield site and would be developed to a relatively low density, it would not protrude into the open countryside or undermine the development pattern of Sadberge.

### Location Sustainability

The application site is not located in a particularly sustainable location in terms of easy access by a range of travel modes and future occupiers would be largely reliant on the use of private cars. Nevertheless the proposal is only for four dwellings and would be located next to existing residential properties. Sadberge village is within a relatively reasonable walking distance although there is no footway and desire lines are evident along the grass verges on Middleton Road. As a brownfield development for only four dwellings, the proposal is not considered to raise such significant issues regarding sustainability to the extent that planning permission should be refused. A condition requiring a connection from the site to the existing footway network in Sadberge would be appropriate to improve accessibility.

### Residential Amenity

The site is located at such a distance from existing residential properties that no issues are raised regarding impacts on light or outlook. The proposed houses would be detached and not sited in such a way as to be harmful to the levels of light and outlook that each would benefit from.

### Highways

Car parking across the site generally accords with the parking levels set out in the Tees Valley Design Guidance with additional visitor bays provided. The internal access roads would not be offered for adoption. The internal layout has been autotrack tested for a small refuse vehicle which would be similar in nature to the size of vehicles used by the emergency services and therefore would allow suitable emergency access.

Conditions are required for details of the access junction including visibility splays, street lighting, refuse storage, connection to the footway network and for a construction management plan.

### Ecology

A bat risk assessment was carried out on the site and this advised that the buildings on the site to be demolished have a negligible potential to support roosting bats.

The Ecology Officer raised no objections providing conditions are included relating to no vegetation works occurring outside of the bird nesting season unless a bird nesting report is submitted and that bat boxes be provided.

### Drainage / Flooding

Northumbrian Water has been consulted and has raised no objections to the proposed development. It has no sewers in the area. The application site is not within an area identified by the Environment Agency as being at risk of flooding. The Environment Agency has also advised that the proposal falls outside of the scope of matters on which they would comment. A condition requiring details of foul and surface water drainage to be submitted would be appropriate.

## **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**

The site is located outside the development limits but it is a brownfield site, located next to existing dwellings with the proposal limited to only four dwellings. The siting and number of the proposed dwellings is such that it would fit in with the development pattern of the area and would not protrude into the open countryside. It would also allow for improvements to the visual

appearance of the site. On balance the development is considered to be sufficiently sustainable in this case to justify granting planning permission.

## RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. The proposed development shall only be carried out in all respects in accordance with the noise control measures recommended for windows in the Measurement and Assessment of Noise Levels Report (Noise and Vibration Associates September 2014) submitted with the planning application.

REASON – In the interests of the amenities of occupiers of the proposed dwellings.

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to an approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

REASON – In order that the Local Planning Authority can be satisfied with the details of the development.

6. J2 (Contamination)
7. E1 Landscaping (Submission and Implementation)
8. No development shall commence until details of boundary walls, fences and other means of enclosures have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.

REASON - To safeguard the visual amenities of the locality.

9. Unless otherwise agreed in writing by the Local Planning Authority, details of a connection from the site to the existing footway network in Sadberge shall be submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.

REASON – To improve the accessibility of the site and in the interests of highway safety.

10. No development shall commence until details of the vehicular access to the site have been submitted to, and approved by, the Local Planning Authority. The details shall include visibility splays (2.4m x 59m), junction radii at (10m radius minimum), drop crossings and tactile paving. The development shall not be carried out other than in accordance with the approved details.

REASON – In the interests of highway safety.

11. D4 Refuse Storage (Details to be submitted)

12. Development shall not commence until details of street lighting have been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details unless otherwise agreed in writing.

REASON – In the interests of highway safety.

13. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the proposed hours of construction, vehicle routes and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

14. Any vegetation clearance shall not take place between 1 February and 31 August unless it is under ecological supervision and following the submission and approval, by the Local Planning Authority, of a nesting bird survey.

REASON - In the interests of ecology.

15. Prior to the first occupation of the dwellings hereby approved, details of bat boxes to be installed on the site shall be submitted to, and approved by the Local Planning Authority. Thereafter the bat boxes shall be retained in perpetuity.

REASON – In the interests of ecology.

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E4 – New Buildings in the Countryside
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint
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- CS4 – Developer Contributions
- CS10 – New Housing Development
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- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

**INFORMATIVES:**

- The Developer is required to submit detailed drawings of the proposed highway works including the new access junction and associated works to the highway and improvements to the pedestrian infrastructure on Middleton Road to be approved in writing by the Local Planning Authority and enter into a Section 278 agreement before commencement of the works on site. Contact must be made with 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 Ms. P. Goodwill 01325 406651) to discuss naming and numbering of the development.
- The Developer is required to submit details of a lighting scheme. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M Clarkson 01325 406652) to discuss this matter.