

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8th February 2017

APPLICATION REF. NO: 16/00972/FUL

STATUTORY DECISION DATE: 28th February 2017

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: Field at OSGR E434495 N513028 Middleton Lane Middleton St George Darlington

DESCRIPTION: Residential development comprising 27 No. dwellings (Revised application)

APPLICANT: Mr Jack Havakin

APPLICATION AND SITE DESCRIPTION

The site is located on the western side of Middleton Lane, and consists of paddock and Grade 3 agricultural land. The eastern portion of the site is located within the Middleton One Row Conservation Area, and the entire site is included within an area identified as the Middleton Farmland¹. Residential properties are located to the north and south of the site with highway to the east.

This application seeks full planning permission for the erection of 27 No dwellings on the site comprising:

- A mixture of four and five bedroom two storey detached dwellings;
- Affordable dwellings consisting of 6 No. two bedroom bungalows;
- Two off street parking spaces per dwelling;
- Creation of a new access from Middleton Lane and an additional access to serve the bungalows, from Neasham Road;
- Traditional building materials to reflect those on nearby buildings;
- Associated landscaping, including tree planting, hedgerow planting and brick walls / timber fencing boundaries.

As required, a Design and Access Statement, and a Heritage Statement were submitted in support of the planning application.

¹ Darlington Landscape Character Assessment, December 2015 (LUC for Darlington Borough Council)

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

In May 2016 an application for the same development by the same applicant was withdrawn.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint
- T9 – Traffic Management and Road Safety
- T11 – Traffic Calming – New Development
- T52 – Drainage Infrastructure

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
- CS17 – Delivering a Multifunctional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Council’s Design of New Development Supplementary Planning Document 2011 is relevant.

The Council’s Middleton One Row Conservation Area Character Appraisal, November 2010, is also relevant.

The Council's Planning Obligations Supplementary Planning Document 2013 is also relevant.

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

Other Documents

Darlington Landscape Character Assessment (December 2015) is also relevant.

The Council's Interim Planning Position Statement (April 2016) which provides local guidance on the Council's current position regarding planning for key matters. This is not a statement of policy, but sets out some planning principles based on local evidence.

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. **Twenty-nine objections** were received, and the issues raised are summarised below.

- *Nothing has changed from the previous application and so this application should be refused;*
- *The field intended to be built upon is part of a designated conservation area; 27 houses and their infrastructure would destroy the area not enhance the appearance; The documentation supporting the development implies that not all of the intended development area incorporates the conservation area, I believe that this is incorrect and it is all designated as a conservation area; Previous planning applications within adjacent areas have been rejected on the grounds of this being a conservation area – I believe that this plan should also be rejected because of this fact; To allow this development to go ahead would contradict everything that the Middleton One Row Conservation Area Character Appraisal presents;*
- *Loss of hedgerows;*
- *Development on greenbelt;*
- *A different planning application was rejected on appeal at the end of 2015 / start of 2016 on a field further down Middleton Lane because it was considered to be an important link field and important to the Conservation Area; The same can be said for the field in the current application, which separates the two settlements of Middleton St George and Middleton One Row, and by filling this gap the two would lose their individuality;*
- *Fear for our children who will be left with nothing but a huge estate in a few years down the line, with the history and character of the village being completely changed forever;*
- *The proposed housing would not be in keeping with the Victorian Houses adjacent to the site; there is no guarantee that traditional materials will be used;*
- *The housing will be highly visible when you approach the village;*
- *This is clearly shown in the Green Infrastructure Strategy 2013-2026 from DBC; Object to developing more properties in the inner green part of the village;*
- *This development does not appear to be sustainable; A key issue that we are concerned about is the current oversubscription to the only primary school within the village; Although expansion plans are in progress these were devised before this current planning permission and the numerous others seeking approval from DBC; We also have an issue with secondary school places;*

- *The fields are precious spaces for wildlife – there are at least 2 pairs of Tawny owls with young owlets in and around fields, hedgerows in or off Middleton Lane, which can be hard frequently if not every night in the vicinity; Within the past month a dead badger was noted early one morning on Middleton Lane itself, adjacent to the field entrance to be built upon; Site contains wildflower meadows; Bats present on the site;*
- *The volume of planning submission at present are inconceivable and no one individual has an understanding of the cumulative effect that these have on the village as a whole;*
- *The development proposed seems to consist mainly of four and five bedroomed detached family houses with the addition of six two bedroomed affordable units; Such housing would suggest an increase in school age children within the village;*
- *Concern over the suggested access from the bend on Neasham Road into the area housing the affordable units; This road is particularly busy and has a tendency to flood during even light showers of rain; During school pick up and drop off times the road becomes incredibly congested as parking is limited;*
- *Difficult at present to enter and exist my driveway due to speed and volume of passing cars; Light pollution on an evening from vehicles turning into and out of the estate, their headlights shining into my home (Middleton Lane);*
- *Would generate dangerous levels of traffic on Middleton Lane;*
- *The proposed access from Middleton Lane is a concern; The volume of traffic on Middleton Lane would increase and the access point appears to be poorly situated; The access road is in close proximity to the junction with Pinetree Grove and the surgery at Felix House and also lies close to two established bus stops;*
- *The developers mention the convenience of adjacent bus stops – this is hardly applicable when the service is non-existent on a Sunday and ceases early evening on other days; This would cause problems for shift workers dependent on public transport to access work outside the village;*
- *Access onto Neasham Road is in close proximity to the start of Public Footpath 5 and must not compromise access to the public footpath at any time;*
- *Question the need to build further housing within the village; Given the recently approved planning permissions for 250 dwellings on the Sadberge Road site and 200 dwellings on High Stell along with the current number of planning applications currently seeking approval; The village population will increase from 5000 to approximately 8000, something I feel is not sustainable given the current infrastructure; As can be readily seen from estate agents bill boards, more houses are not needed in this part of Middleton St George with many going unsold / unlet for up to 4 years so far;*
- *DBC has stipulated in the past that Middleton St George should not take any further development; The Council have clearly stated that this site is located outside of the development limits which they identified in 1997;*
- *This particular area has a recent history of flooding; Properties near to the proposed site have in the last couple of years been flooded more than once; The removal of further mature woodland and hedgerows will have an increased impact on the current unacceptable drainage within the proposed site;*
- *It has been well documented in the past few years that the sewage system in Middleton Lane is problematic and of concern to the current residents; The bore of the current sewage pipes has led to blockages and the overspill of raw sewage onto the road – I do not believe the addition of 27 houses will improve the current situation;*
- *Linking of Middleton St George to Middleton One Row – there will be no clear division between the two areas, which will become one village / town;*

One representation was received from **North Star Housing Association**, who confirms that it is their intention to deliver affordable housing as part of the proposed development, and have applied for grant support from the Homes and Communities Agency to enable them to offer two bungalows for Affordable Rent and two for Shared Ownership.

The **Conservation Officer** has objected to the proposed development due to the harm caused to the character and significance of the Middleton One Row Conservation Area.

Historic England has objected to the proposed development due to the harm caused to the significance of the Middleton One Row Conservation Area.

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

Northern Power grid has raised no objections to the proposed development.

Northumbrian Water has raised no objections to the proposed development subject to conditions relating to foul and surface water.

The **Local Lead Flood Authority** has indicated that insufficient information has been provided regarding flood risk and drainage and that the application therefore cannot be supported.

The **Sustainable Transport Officer** has raised no objections to the proposed development subject to measures and financial contributions to improve access to and from the site and to enhance / maintain bus stops and walking and cycling routes in Middleton St George.

The **Countryside Access Officer** has raised no objections to the proposed development subject to the new development not compromising access to Public Footpath No. 6 Low Dinsdale.

The **Highways Officer** has raised no objections subject to planning conditions related to access and highway safety.

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

The **Environmental Health Officer** has recommended that a Phase 1 Desktop Study is requested.

Middleton St George Parish Council has objected to the planning application on the following grounds:

- *The sheer number and magnitude of planning applications being received by the Parish Council, if approved, will have a severe effect on the village as a whole;*
- *We feel it is inconceivable that applications are still viewed on a case by case basis with no regard for the overall cumulative impact;*
- *Developments of this size (cumulatively with DTVA, Station Road, Sadberge Road, High Stell, Killinghall Row and Lancaster House) will change the semi-rural village to a small town by increasing the population from approximately 5,000 inhabitants to in excess of 8,000;*

- *The cumulative applications will provide 1135 dwellings in total; This is a significant increase to the size of the village overall and not sustainable without considerable investment in infrastructure and services;*
- *As Middleton St George has been identified as a Strategic Growth Area in the embryonic local plan, it should be assigned a Senior Project Manager to oversee all planning applications in the area;*
- *In addition, any applications approved are scheduled to deconflict in the building phase and supporting infrastructure enhancements are introduced in a timely manner;*
- *Developers are very selective in their marketing of the sites, making exaggerated claims and conveniently avoiding the problem areas – we trust the DBC planners do not believe of accept these claims without consultation or testing;*
- *Developers should be held responsible for their projects impact on the village and offset it by providing, or financially supporting, infrastructure improvements in the village itself to mitigate the effects, before any consideration is given to providing financially towards elsewhere in the borough;*
- *It would be helpful to have an input to, and visibility of, any S106 allocation applied to a particular site in terms of amount and what it was intended for so that we can ensure that it is delivered; We understand that at least 15% should apply directly at point of impact;*
- *We would expect that the developers be directed to provide a mix of property types ensuring that starter and affordable homes and homes for the elderly are adequately catered for so that they are not forced away from the community;*
- *The waste water and sewage systems, which have caused problems in the past, despite assurances from Northumbrian Water, do not have sufficient capacity and robustness to accommodate the increased load; Despite hard evidence provided by residents and the Parish Councils during the consultation process for previous planning applications, very little has been done to improve this;*
- *The communication systems in the village, landline, internet and mobile phone networks, already poor in some areas, will become virtually inoperable;*
- *The existing primary school is at or over capacity; While an additional school is planned on the Station Road development we have no detail on how and when this will come on line or how it will be integrated within the existing school; Also its completion must be scheduled to be ready to accommodate the increased demand; We are concerned about secondary school places in the district and would need to ensure capacity was sufficient for this additional growth;*
- *Our current surgery is stretched and due for closure; An alternative facility must be provided in a timely manner, again with the capacity to cover residents needs within the village;*
- *Village roads are narrow with a high level of on-street parking; They will not be able to handle the increased traffic load without major disruption; They are not of a standard to sustain constant HGV use; Speed limits, traffic calming scheme and additional access roads would need to be reviewed to maintain safety standards;*
- *The bus service for the village is extremely limited; Non-existent to the east side of the village and no service at all to / from the village in the evening or on Sundays; The routes and timings require complete review now, let alone post development; Older residents have told us that they are making plans, and considering making plans, to move out of the village because they are worried out this ever-reducing bus service;*
- *Car parking in the centre near the shops is just about nil; Street and pavement parking in this area is causing problems on flow and for pedestrians at present; There is no parking area to serve the railway station; If these facilities are to be used effectively*

then parking problems must be addressed particularly as the population of the village increases;

- *What few shops we have are in the village centre; As the developments are predominantly on the west and east perimeters of the village access to the convenience stores is difficult, particularly for the elderly and those with young children; Consideration must be given to additional retail outlets and parking;*
- *We have limited resources for leisure activities; The main park is located in the centre and would not be accessible or big enough to cope with the increased demand; There is very little for youths to do in the area; Whilst we have a thriving community centre providing a range of activities and courses, it is well overdue modernisation and expansion. The Water Park has potential for development but requires planning and investment for this to be realised; Footpaths are being lost and those remaining are in a poor state;*
- *The proposed developments remove considerable areas of green and open space in the village; Any development must ensure open spaces are integrated in their plans; Green gaps must be maintained to ensure that the village does not become engulfed on the west into Morton Park and to the east of the airport, Urlay Nook / Eaglescliffe;*
- *Dispersal of surface water is a major concern; There are several areas around the village where soak away is poor and drainage is a problem causing flooding; Further building will exacerbate the problem and particular care must be taken in planning schemes to address it;*
- *There are a number of conservation areas within the parish that will be affected by various developments; This not only affects the wildlife but also diminishes any leisure activities within these areas;*
- *Increasing the population will also increase anti-social behaviour and crime in the area; An increased police presence and surveillance camera schemes should be employed to deter and catch offenders;*
- *Increased usage will impact on street cleaning and necessitate additional resource that we as a parish council cannot fund;*

PLANNING ISSUES

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

- Planning Policy
- Impact on designated heritage assets
- Impact on non-designated heritage assets (Archaeology)
- Ecology
- Trees
- Residential Amenity
- Surface water and flood risk
- Highways
- Developer Contributions

Planning Policy

The site is located outside of 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 defined by the Proposals Map. 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 includes a requirement for local planning authorities to significantly boost the supply and delivery of housing. It also requires authorities to assess the projected scale and delivery of housing from windfall and small sites.

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

In these circumstances, applications for planning permission for residential development in all areas of the Borough should be considered with regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework. 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 where specific policies in the NPPF indicate development should be restricted. In this case, the site is situated within the Middleton One Row Conservation Area and therefore one of the areas listed in footnote nine of the NPPF as development subject to restrictive policies. This is considered further below.

Impact on Heritage Assets

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 with the Middleton One Row Conservation Area, the proposal 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.

A Heritage Statement, undertaken by Archaeological Services Durham University (December 2015) was submitted alongside the planning application. The Heritage Statement indicates that the proposal is *'low density, and echoes the layout of the Conservation Area, comprising high quality modern villas set in large grounds, located on the edge of Middleton St George, with a street frontage onto Middleton Lane'*. It goes on to state that *'the development replaces open fields between the two villages with large gardens which the Conservation Area Character Appraisal indicates are a positive aspect of this part of the Conservation Area. Tree coverage will be enhanced and the villas will be constructed in high quality finishes typical of the Conservation Area'*. It concludes that *'overall the development will enhance Middleton St George and make a positive contribution to the Conservation Area'*.

Historic England has objected to the application due to the harm caused to the significance of the Middleton One Row Conservation Area and has made the following comments:

The Middleton One Row Conservation Area encapsulates the historic village and its immediate rural setting. The section of the Conservation Area in which the application site is partially located, Middleton Lane, is its historic approach from the north and Middleton St George. For most of its history, this lane would have been undeveloped agricultural land, which was then later colonised in the 19th Century by a few large villas and small rows of houses, then later by twentieth century housing.

This historic residential phase of development has been sporadic and low in density, which still allows the rural quality of the approach to the village to be felt, helping very much to protect the sense of Middleton One Row as a separate village from its neighbour to the north. Furthermore the sense of openness whether it be from agricultural fields or large gardens provides an attractive setting for the houses along it, which in turn compliments the domestic character of the historic buildings, illustrating the small scale expansion common in villages in the Victorian and Edwardian eras. Considering the above balance between open and developed space is a delicate one and important to the significance of the conservation area.

In principle, development on the remaining open fields weakens this delicate balance. Whilst the density of house may be relatively low by modern standards the effect on character will be

suburbanising. By virtue of the new houses, their layout, roads, boundaries and domestic curtilages a modern housing estate will be created. Mitigation can be offered by additional tree planting and landscaping but the effect on character is inescapable. Consequently, I do not agree with the submitted heritage statement that the impact on the significance of the conservation area is sympathetic, rather it is negative because of the loss of rural character and the modern form of the development. The fact that similar estates exist nearby does not set a precedent, rather it highlights the rarity of those open spaces that survive making their contribution to the character of the conservation area more precious.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to pay special regard to the desirability of preserving or enhancing the appearance or character of a conservation area when considering a planning application. Likewise, Government policy within the NPPF acknowledges the conservation of the historic environment as one of the core land use principles underpinning sustainable development (para. 17) and asks that great weight should be given to the conservation of designated heritage assets, such as conservation areas and opportunities taken to enhance their significance (paras. 132 and 137).

The NPPF goes on to state that all harm to the significance of conservation areas should require a clear and convincing justification proportionate to the level of harm caused (para. 132 and 138). In this case the level of harm is moderate to the overall significance of the conservation area because it undermines a fundamental characteristic of one part of it. Should it be seen to set a precedent and the remaining open spaces along Middleton Lane developed then the harm will be magnified and an important aspect of the area's character lost completely and forever. The NPPF asks that harm should be weighed against the public benefits of a proposal. Public benefits are aspects of a proposal that demonstrably support sustainable development. This balanced judgement is only one that the local planning authority can make but it is worth considering whether the same benefits could be offered in a way that does not harm or minimises harm to the conservation area, such as alternative sites. Design or landscape amendments will only have limited mitigation potential because the main issue is the principle of the development.

Historic England opposes the application because of the harm caused to the significance of Middleton One Row Conservation Area. When determining the application we ask that this harm be considered in light of the statutory duty of local planning authorities within the 1990 act to pay special regard to the desirability of preserving or enhancing the character or appearance of the consideration area, and, in respect to the NPPF, you also consider whether the harm is outweighed by any public benefits you consider will be delivered by the proposal.

The Council's **Conservation Officer** has also objected and has made the following comments:

The site subject to this application is paddock and agricultural land. The site is adjacent to Middleton Lane, which is the main route linking Middleton St George and Middleton One Row. The site falls within Character Area / Zone 3 as set out in the Character Appraisal, as 'Middleton Lane' evidencing Victorian and Edwardian lodges and villas with large gardens, much of the later twentieth century and twenty-first century cul-de-sacs, red brick walls and importantly also green space. The application site is one of two areas of green space in this zone; the other is the agricultural land to the east of Middleton Lane.

Middleton One Row Conservation Area is designated for its high quality, intact rural qualities. Greenspace is a key feature, as is the River Tees. Historic Development is primarily in the form

of Georgian and Victorian residential and villa development, but also includes a Medieval Tower Motte Castle Scheduled Monument and a Victorian Church, by local architect J.P. Pritchett (junior).

The older elements of Middleton One Row began around the now demolished Pountey's Bridge across the River Tees and the Norman Motte, a Scheduled Monument, off Church Lane. Development continued along The Front with elegant Georgian properties and their commanding view over the village green, the River Tees and onto North Yorkshire countryside. Victorian development spread north along Middleton Lane (primarily in villa form) but there remains separation between it and the Victorian development (primarily in terraced form) that spread south from the current village of Middleton St George, related to the railways.

This application, as with the previous application reference number 15/01223/FUL proposes the construction of 27 detached dwellings on two combined sites, currently in use as paddock and agricultural land. The combined site includes land both within, and outwith the Conservation Area. The main access to the development would be from Middleton Lane, within the Conservation Area, with a second from Neasham Road.

In accordance with paragraph 128 of the NPPF, this application is required to include an assessment of the significance of heritage assets, including the Middleton One Row Conservation Area, making use of the Character Appraisal (adopted November 2010) to assess the impact of the proposal on its significance.

As stated above a Heritage Statement has been submitted in accordance with the NPPF guidance. It addresses the heritage assets within the area and the applicant's assessment of the impact/s the residential development would have on these assets.

I agree with the findings in the Heritage Statement that the site is not in close proximity to any statutorily protected assets, specifically the Scheduled Monument and listed buildings to harm these heritage assets. Also although the sites west boundary is close to the route of the Roman Road, it would not encroach upon it. In respect of these heritage assets, I agree that the impact would be neutral and no harm would be caused.

Loss of an Area of High Landscape Value / green wedge between settlements

The site is located within the Middleton One Row Conservation Area and therefore the impact of the development on this heritage asset is another key consideration of the Heritage Statement. The Statement refers to the distinct character areas evident in the Conservation Area. This site falls within a section of the Conservation Area, described in the Heritage Statement as the 'centre' that is characterised as a distinct green gap between the settlements of Middleton One Row and Middleton St George, with the green space provided by arable land, the extensive private gardens of larger properties and mature trees.

The eastern section of the application site is one of the sites within the Conservation Area characterised as 'green space,' separating the two settlements, with the existing trees and shrubbery playing an important part in this green separation. Middleton Lane also includes detached and semi-detached houses in large plots. Those around, and adjoining the application site include Inverary House, Felix House and Almora Hall.

The Heritage Statement states that the proposed development would have an impact, due to the fact that some of this land would be changed from green 'open' space to green space within large gardens.

The Heritage Statement argues that the Middleton St George limit of development is defined by the south boundary of Pinetree Grove (to the east of Middleton Lane). The proposed development would deliver built form to the same extent, but to the west of the Lane, therefore retaining open space (fields) to the south of the application site as a gap between the two settlements.

I do not agree with or support this justification. The Character Appraisal map clearly defines the role of the open fields / arable land, to both the east and west of Middleton Lane, as green space which provides a physical and visual gap between the two settlements when viewed from Middleton Lane, therefore adding to the character of the Conservation Area. The land referred to, south of the development site, is outwith the Conservation Area and also concealed behind the residential plots which front onto Middleton Lane.

The Heritage Statement correctly states that the green space is enhanced by extensive tree coverage, most notably to the boundaries to the roads, fields and properties. It is proposed to retain some of this mature landscaping with enhancement in areas. Also the traditional boundary treatment to Inverary House, on the south boundary, would not be affected.

However, the development proposes a boundary treatment (brick wall with railings) along the length of Middleton Lane, thereby removing all hedgerows and rural vegetation along the Middleton Lane boundary, this would further impact on any openness of the site regardless of the size of the dwellings and plots incorporating garden space.

The site would be irreversibly altered from an Area of High Landscape Value, which provides a valuable green wedge between settlements, to a housing estate behind a high brick boundary wall. All openness would be removed affecting the character of the Conservation Area and an element of its rural setting.

The centre of the Conservation Area is characterised as a distinct green gap between the settlements of Middleton One Row and Middleton St George, with green space provided by arable land, the extensive private gardens of larger properties and mature trees' (HS paragraph 4.18).

It is argued that land to the east of Middleton Lane would remain to provide this value. However, this site has been subject to two applications to also be developed (13/00830/FUL & 15/00019/FUL). It is not that one site is more valuable than the other but that both have the same significance in that they provide views into the countryside, are evidence of the 'rural setting' of the Conservation Area and serve as open space to stop the two settlements of Middleton St George and Middleton One Row from merging whilst destroying the Middleton Lane setting.

The Character Appraisal clearly states that the 'quality and quantity of green space within, and adjacent to the Conservation Area is vital to the character of the area' and refers to the landscape setting as a major positive feature. It is considered that the entire application site, both inside and outside of the boundary, falls within this statement and that as open countryside and green space with mature tree cover it is prominent feature of the Conservation Area.

Development of this site, regardless of the incorporation of garden space into the plots and landscaping, would lead to the total loss of this character, causing substantial harm to the significance of Middleton One Row Conservation Area, contrary to paragraph 133 of the NPPF.

Paragraph 4.16 of the HS states that 'the landscape setting of the Conservation Area has a major impact on the area's character and much of the surrounding countryside has been designated as an Area of High Landscape Value.' The site itself is part of this Area of High Landscape Value.

The Darlington Landscape Character Assessment (December 2015) defines this area as the Middleton Farmland (character area 8). Paragraph 3.44 clearly sets out that 'within the more historic, southern end of the settlement parts of the surrounding countryside play a key role in providing a gap between the northern and southern part of the settlement, and this is recognised in the conservation area boundary around Middleton One Row'.

The Character Appraisal states that there are a number of areas of green space, most of which is designated as an Area of High Landscape Value or Village Green (within the 1997 Local Plan now superseded by the Core Strategy) which should protect it from inappropriate development, but it is the quality of these spaces that remind the observer how close the countryside is (page 32). The proposed development would remove an essential element of this value.

Loss of Grade 3 agricultural land

Policy CS14 of the adopted Core Strategy (Promoting Local Character and Distinctiveness) sets out how the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate enhanced. CS14 (B) defines how this includes 'protecting and enhancing the separation and intrinsic qualities of the openness between settlements and between the main urban area's different neighbourhoods including 7) 'the appearance and environmental value of Grade 1, 2 & 3 agricultural land'.

The application site is classed as Grade 3 under the Agricultural Land Classification Provisional (England) (DEFRA) and therefore its appearance and environmental value must be safeguarded. The proposal would be contrary to CS14 B due to the fact that development of this land would be removed. This is significant to the Borough as a whole which features no Grade 1 (excellent) and therefore Grade 2 & 3 land is more significant and in need of protection from development.

Design

The development is further justified as delivering modern versions of the traditional villas in large grounds characteristic of the area. In addition to making a significant contribution to Middleton St George, 'by bringing coherence to, and adding character of the edge of the Conservation Area'. It is argued that previous modern development has had a dislocating affect, Westacres a development of semi-detached houses with small gardens to the north west of the application site, is provides as an example. In contrast in my opinion the proposed residential development, if approved, would provide an additional modern development to further erode the character of the area.

The design and layout of the development has no frontage to Middleton Lane, with all dwellings facing onto an internal cul-de-sac. The cul-de-sac form of residential development proposed is harmful considering most development in the locality, but most specifically all traditional or

historic development - which contributes positively to the significance of the Conservation Area - has street frontage. The Character Appraisal identifies the existing cul-de-sac developments within the Conservation Area as a negative factor.

The Character Appraisal clearly refers to the pressure for infill development within the Conservation Area and where valuable green space still exists (the application site) this should be resisted. New development, where suitable, should be guided by the 'best development' in the Conservation Area. The exemplar / best form of development is defined as 'front facing' onto the road with individual entrances to properties. The submitted Heritage Statement (4.17) acknowledges that the 'later 20th century development has mainly been in the form of semi-detached housing within cul-de-sac developments off Middleton Lane, which has affected the character of the Conservation Area.'

The Heritage Statement refers to the proposed development as 'low density and echoes the layout of the Conservation Area, comprising high quality modern villas set in large grounds' with a 'street frontage onto Middleton Lane'. I do not consider the dwellings to be representative of any of the best development in the Conservation Area either in design or layout. The cul-de-sac layout is entirely uncharacteristic of the best form in the Conservation Area. I accept the units have large gardens but these should not be compared to the large Victorian villas set in 'grounds' such as Inverary House. Also the dwellings cannot be described as having a 'frontage' to Middleton Lane. In contrast the whole development is disassociated with Middleton Lane. The proposed dwellings are set back within plots 1, 2, 3, although these adjoin the Lane. For example plot 3 would face towards the internal spine road with no relationship with Middleton Lane. Also plots 2 & 3 are set back from the Lane and accessed from a private drive (A) with the side elevations of two detached garages blocking any relationship with the Lane.

The Character Appraisal also states that the use of modern, replica materials such as buff brick, artificial slate roofs and uPVC windows and doors will be discouraged as not making a positive contribution to the Conservation Area. New or replacement boundary treatments need particular care so as to complement existing, high quality solutions (CA page 29).

The proposed design and layout has not been informed by the Character Appraisal. This requirement is also set out in the Revised Design of New Development SPD, 'any new development in or adjoining a Conservation Area should preserve and enhance the area's special character and appearance, guided by its character appraisal which should inform the design.

The Heritage Statement states that the villas would be constructed in high quality finishes typical of the Conservation Area. However, a number of aspects to the design go against the Design SPD, including the proportion of window openings, use of uPVC windows and doors, concrete roof tiles, non-specific facing brick, high boundary treatment to the length of Middleton Lane - forming a barrier to any street frontage - and the lack of any relationship with the adjacent public right of way (Roman Road).

Summary

The Heritage Statement concludes that overall the important characteristics of the Conservation Area are retained, with the development designed to lift the quality of Middleton St George and enhance special characteristics. It concludes that as many of the important aspects of the setting

of the Conservation Area will be unchanged, the magnitude of the impact is considered to be minor and the overall effect on the Conservation Area is considered to be slightly positive.

However, in contrast I consider the impact on the Conservation Area to be harmful not positive. The entire site has been identified in the adopted Character Appraisal as a valuable green gap, and Area of High Landscape Value, to be protected from development. The design and layout does not reflect and / or enhance the natural, built and historic characteristics that positively contribute to the character of the local area.

It is also outside development limits and is Grade 3 agricultural land. This site is not considered to be a development site because its current open nature and agricultural use retains a clear physical and visual separation between the villages of Middleton St George and Middleton One. Considering the importance of the landscape it is recommended that the settlement limits are applied in this scenario.

The open and undeveloped nature of the site retains views from, and through the Conservation Area, into the wider countryside from Middleton Lane. There is a clear line running east-west from Middleton Lane to where Neasham Road sharply curves westwards that marks the extent of the modern additions to Middleton St George. Development on this site would remove that distinction and blur the two villages. The key views into the open green space / agricultural land, on both sites along the length of Middleton Lane which is primarily straight, would be destroyed.

It is argued that the proposal would be harmful to the character and significance of Middleton One Row Conservation Area for the reasons specified. It is considered that this harm would be, as advised by Historic England, *moderate to the overall significance of the conservation area* because it undermines a fundamental characteristic of one part of it, and that should the development be approved, and be seen to set a precedent and result in other open spaces along Middleton Lane being developed, the harm will be magnified and what is seen as an important part of the Conservation Area as set out in Council Policy (Middleton One Row Conservation Area Character Appraisal) will be lost completely.

This position is supported by the Darlington Landscape Character Assessment (December 2015) undertaken by LUC on behalf of Darlington Borough Council, which describes the role that the Middleton Farmlands play in the setting of residential areas close to the Middleton One Row Conservation Area, which are seen to display a higher sensitivity to residential development.

Paragraph 134 of the NPPF requires harm to be weighed against the public benefits of the proposal, those being aspects of a proposal that demonstrably support sustainable development.

The Planning Statement submitted with the planning application, does not specifically refer to benefits in the context of the impact on heritage assets, however it does highlight the following benefits of the proposed development, which are all considered to be public benefits that support sustainable development taking into account its economic, social and environmental role:

- Boost in housing supply through delivery of a windfall site;
- Help to increase footfall to existing businesses within the village Centre;
- Could help create demand for expansion of retail and other services on offer in the village;
- Job Creation during construction;

- Provision of affordable housing

In the case of this proposal, taking into account the likely harm identified, the benefits highlighted above, are not considered to outweigh the harm that would be caused to the Middleton One Row Conservation Area and there are not considered to be any other public benefits ensuing that would outweigh that identified harm or loss and no compelling reasons apparent, or put forward that would set aside the statutory presumption in favour of refusal. The benefits put forward could be offered in a way that does not harm or minimises the harm to the conservation area, such as on an alternative site. The proposal therefore fails the test set out in Paragraph 134 of the NPPF. It is not considered that amendments to the scheme in terms of design and landscape could overcome these objections, which relate to the principle of development on this site.

Impacts 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 goes on to state 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.

An Archaeological Desk Based Assessment including Geophysical Survey and on-site archaeological investigations (trial trenching) undertaken in November 2016 was submitted alongside the planning application. This was conducted by Archaeological Services Durham University. The work and subsequent trial trenching identified Ridge and Furrow remains and no other archaeological features were encountered. The County Archaeologist has been consulted and has raised no objections subject to a planning condition to secure the final Trial Trenching report be submitted to the Historic Environment Record. Once this is submitted to the Historic Environment Record, the archaeological interest in the site will be complete and no further works will be required.

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

An Ecological Appraisal undertaken by E3 Ecology Limited (December 2015) was submitted with the application. This report was based on surveys undertaken in 2015. The report identified that there are three local wildlife sites within 2km of the proposed development, one of which is also designated as a Local Nature Reserve, and a Site of Special Scientific Interest, together with an area of Ancient and Semi-natural woodland, Dinsdale Wood, some 800m to the south.

Surveys revealed evidence of nesting birds within the cavities of two trees and a low level of common and soprano pipistrelle bat activity within the site, concluding that the site is considered likely to be of local value to bats overall. The surveys also indicated that the site has the potential to support hedgerow and tree nesting species, including farmland bird species and ground nesting species.

There are a number of ponds within 250m of the site, and more further afield. One of those further afield has records of Great Crested Newts. Given the location, distance and low value of habitats in between, the risk of Great Crested Newts from these ponds being present on site is considered to be low.

The report makes a number of recommendations based upon the surveys, including some additional surveys to further inform the mitigation and compensation strategy. These include careful control over timing of works, working methods and best practice and habitat enhancement, including retention of tree and hedgerow habitats where possible, incorporation of additional bat roosting features, happing up and enhancing retained hedgerows, and additional hedgerow planting. The recommendations could be controlled by planning condition should planning permission be granted for the proposed development.

Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

A Pre-development Tree Survey undertaken by Elliott Consultancy Limited (March 2015) was submitted with the planning application. The report identifies that tree cover on the main body of the site is minimal with any tree cover of note being close to boundary fences and walls. Most significant tree cover is predominantly located within adjacent gardens / properties.

The report identifies that the development would result in minimal impact on trees and groups of trees, subject to adequate protection. A planning condition would need to be attached to any approval to secure submission and agreement of a Method Statement and Tree Protection Plan to ensure that adequate tree protection measures are in place during construction.

Should planning permission be granted, a planning condition to secure submission and agreement of a landscaping scheme would be recommended.

Residential Amenity

It is considered that the proposed layout affords an acceptable level of residential amenity for existing dwellings and for the occupiers of the proposed dwellings.

Surface water and flood risk

The site is within Flood Zone 1. The applicant has submitted information from the Environment Agency to confirm that there are no records of historic flooding or modelled data.

Northumbrian Water has indicated that the planning application does not contain sufficient detail with regards to the management of foul and surface water for the development to be assessed in terms of the capacity to accommodate the flows from the development. As such, a planning condition is recommended for submission and agreement of a detailed scheme for the disposal of foul and surface water.

Stockton Borough Council, who act as the Council's technical advisors for SuDs, has assessed the level of information submitted with this application. They have advised that the application has provided insufficient information regarding the management of surface water runoff from the proposed development. They would recommend therefore that additional information is sought before the matter could be considered definitively.

Highways

It is proposed that the majority of the dwellings would be accessed from a new access onto Middleton Lane, with the remaining 6 No. dwellings accessed from a new access onto Neasham Road. Each dwelling would be provided with 2 No. off street parking spaces.

The Highways Officer has been consulted and has raised no objections to the proposed development subject to planning conditions to require details of the following: a) bin storage facility; b) footway along Middleton Lane; c) off road parking provision on Neasham Road; d) vehicle swept path analysis to support the movement framework for emergency vehicles; and, e) a final Construction Management Plan.

The proposed development is within 400m walking distance threshold to the nearest bus stop. Dinsdale Station is some 500m from the site and offers a good sustainable alternative to the car. The Sustainable Transport Officer has been consulted and has indicated that contributions would be sought to make improvements to the Felix House Surgery Inbound (which also needs relocating to a more accessible position), including a raised kerb / footpath.

Also required, are a link to open up access for residents on the site to Neasham Road, and a crossing point from the footpath fronting the site across Middleton Lane to ensure a continuous walking route and safe route to schools exists for residents of the proposed site, together with sufficient provision for secure cycle storage in suitable locations within the development.

The proposed development would also trigger a Sustainable Transport contribution of £600 for a two bed home with a 50% and 100% increase for three and four bed homes respectively. The contribution would be used to enhance / maintain the walking and cycling routes in Middleton St George.

Overall, there are no Highway objections to the proposed development, subject to pre-commencement planning conditions and planning obligations.

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) Affordable housing to be provided within the proposed development;
- ii) Financial Contribution towards primary school provision;
- iii) Public Transport Contribution;
- iv) Green Infrastructure Contribution.

The above Heads of Terms were submitted with reference to the Planning Obligations SPD. Overall, it is considered that should planning permission be granted these would 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.

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 proposed development would provide housing, including an element of on-site affordable housing, on a windfall site close to an existing settlement and local services / amenities, with access to sustainable modes of transport and is acceptable in terms of its impact on ecology, archaeology and trees. The proposed development can achieve satisfactory access and is acceptable in terms of its impact on highway safety. The site is however situated within the Middleton One Row Conservation Area and is therefore one of the types of development that should be restricted as set out in paragraph 14 of the NPPF. It is considered that the proposed development will lead to harm to the significance of the Conservation Area and the public benefits identified are not considered to outweigh this harm.

The proposal would be harmful to the character and significance of Middleton One Row Conservation Area by obscuring views of the surrounding countryside and removing an area of green space, within the Middleton farmlands, which contributes significantly to the character and appearance of the area. The application site helps maintain the setting of the Conservation Area and provides a visible link to the surrounding countryside, which is integral to the area's

character. The application site is Grade 3 agricultural land the appearance and environmental value of which must be safeguarded. The proposal does not sustain or enhance the Conservation Area, nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary to the National Planning Policy Framework 2012 and with Policy CS14 (Promoting Local Character and Distinctiveness) B (7) and E (11) of the Darlington Core Strategy 2011.

The proposed design and layout does not reflect and / or enhance the natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place, nor has it been informed by the adopted Middleton One Row Conservation Area Character Appraisal (2010) or the Revised Design of New Development Supplementary Planning Document (2011). The proposal is considered to be contrary to Policy CS2 (b) of the Darlington Core Strategy 2011.

Insufficient information has been submitted with the application in order for the Local Planning Authority to consider the management of surface water run-off from the proposed development. The proposal is therefore contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety of the Darlington Core Strategy 2011 and paragraph 103 of the National Planning Policy Framework.

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:

1. The proposal would be harmful to the character and significance of Middleton One Row Conservation Area by obscuring views of the surrounding countryside and removing an area of green space within the Middleton Farmlands, which contributes significantly to the character and appearance of the area. The application site helps maintain the setting of the Conservation Area and provides a visible link to the surrounding countryside, which is integral to the area's character. The application site is Grade 3 agricultural land the appearance and environmental value of which must be safeguarded. The proposal does not sustain or enhance the Conservation Area, nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary to the National Planning Policy Framework 2012 and with Policy CS14 (Promoting Local Character and Distinctiveness) B (7) and E (11) of the Darlington Core Strategy 2011.
2. The proposed design and layout does not reflect and / or enhance the natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place, nor has it been informed by the adopted Middleton One Row Conservation Area Character Appraisal (2010) or the Revised Design of New Development Supplementary Planning Document (2011). The proposal is considered to be contrary to Policy CS2 (b) of the Darlington Core Strategy 2011.
3. The application lies within Flood Zone 1 defined by the Technical Guidance to the National Planning Policy Framework (NPPF) as having a low probability of fluvial flooding, however the proposed scale of development may present risks of flooding on-site and / or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit a site specific Flood Risk Assessment (FRA) when development on this scale is proposed in

such locations. An FRA is essential in order to make an informed planning decision, without which, the flood risks resulting from the development are unknown. Insufficient information has been submitted with the application in order for the Local Planning Authority to consider the management of surface water run-off from the proposed development. The proposal is therefore contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety of the Darlington Core Strategy 2011 and paragraph 103 of the National Planning Policy Framework.