

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 26th July 2017

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APPLICATION REF. NO: 17/00283/OUT

STATUTORY DECISION DATE: 5th July 2017

WARD/PARISH: Heighington

LOCATION: Land off School Aycliffe Lane, School Aycliffe, Darlington.

DESCRIPTION: Erection of 101 dwellings with associated infrastructure, parking, boundary details and landscaping.

APPLICANT: Miller Homes.

APPLICATION AND SITE DESCRIPTION

The site sits on the south western edge of School Aycliffe, immediately south of School Aycliffe Lane (the boundary with Durham County Council). It comprises around 3.5Ha of open agricultural land and is bounded by existing hedgerows and trees. School Aycliffe Lane borders the northern edge of the site, the southern and eastern boundaries are bordered by The Chestnuts development and the western boundary abuts agricultural land. The southern section of the eastern boundary is adjacent residential properties within 'The Chestnuts', whereas the northern section borders an area of green space connected to the existing housing estate. The western edge of the development site is adjacent a well-used footpath, however this is not a designated public right of way.

The existing access into the site from the highway network is via a small agricultural entrance. On School Aycliffe Lane to the east of the proposed entrance there are three existing two storey detached properties. Well established planting separates the rear of these properties from the application site.

The application site is bordered on all sides by substantial tree planting, screening the site in long range views of the village. The site is made up of two relatively flat plateaus with land to the south at a lower level than the northern section.

As described above the submission is for a total of 101 homes; which will include a variety of dwelling sizes. The accommodation mix will be split as follows;

2 bedroom dwellings = 10 (affordable units, not included in density))
3 bedroom dwellings = 10 (affordable units, not included in density)
3 bedroom dwellings = 31
4 bedroom dwellings = 37
5 bedroom dwellings = 13

The density of the development will be 39.5 units per hectare / 16 units per acre.

SITE HISTORY

No relevant planning history identified on this site.

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
- R4 – Open Space Provision
- 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
- 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 National Planning Policy Framework 2012 is also relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

Other Documents

Planning Obligations SPD, January 2013

RESULTS OF CONSULTATION AND PUBLICITY

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

48 objections have been received together with one letter of support. Issues raised by the objectors include :

- Site isn't sustainable – no nearby school with spaces, inadequate public transport, no nearby public facilities like doctors, shops etc.
- New access will be onto a dangerous 60 MPH road. (*note – Highways Engineer confirms it is 40 MPH*)
- Heighington school is full and whilst within walking distance, is not a safe route.
- Brownfield sites should be used instead of agricultural land for development.
- No play areas are proposed – existing open space on the Chestnuts over used already. *Note – one is proposed near the site entrance*).
- Flooding will be increased – SUDS pond is close to existing dwellings and may overflow and flood.
- School Aycliffe Lane is in bad condition and will get worse with the extra usage from additional vehicles and construction traffic.
- Noise report indicates some houses will be detrimentally affected by road noise.
- Habitat survey taken at wrong time of year.
- School Aycliffe Road speed limit should be reduced.
- Developers should have to finance improvements to the road such as lighting, widening, speed restrictions etc.

Consultees comments are summarised as follows:

Sustainable Transport – Satisfied with the submitted Travel Plan. Has identified a number of areas where financial contributions towards public transport, bus shelters and bus services could be made – some in association with Durham County Council. Comments that there is no safe walking route to Heighington School (which is over subscribed in any event – see below).

Ecology – Amended plans provided to improve connectivity of SUDS basin with green corridors outside the site boundary. New landscaping scheme will enhance the biodiversity of these corridors.

Durham County Council Planning – Have no objection to the proposed development on traffic grounds providing improvements to the road layout at the nearby Horndale Avenue roundabout which is currently over capacity, are carried out. Lane widening is seen as mitigation to increase capacity.

Lead Flood Authority – Satisfied with the proposed SUDS basin but requests conditions be imposed relating to the submission of further details of surface water disposal.

Highways Engineer – Satisfied that the traffic generated will not have a severe impact on the nearby road network (but see Durham Planning above). There have been no accidents within 50 metres of the new road access into the site. The internal road/parking layout has been amended and is now considered acceptable. A number of conditions have been requested should planning permission be granted.

Darlington FOE and Durham Bird Club – No objections raised – welcome provision of nest boxes and cavity nesting places. Bird surveys should be done in the summer not winter months so as to cover breeding birds. Landscaping improvements should create suitable habitat for farmland birds. Support Travel Plan as submitted.

Archaeology – As the initial survey suggests that remains are unlikely to be found, conditions requiring trial trenching are requested.

Environmental Health – Has requested conditions relation to noise insulation for certain roadside plots and a construction management plan. There are no contaminated land issues associated with this site.

Children’s Play – As there is little of this facility in the locality, one of the areas of public open space is to be set aside for a formal play area, as requested by this Council.

Education – Heighington school is over subscribed although there are plans to extend it. There are school spaces available nearby in Durham County and it is hoped that developer contributions can facilitate transport to these schools from the new development.

Northumbrian Water – No objections to the proposal providing it is carried out in accordance with the submitted Flood Risk Assessment document.

Durham Constabulary – Made suggestions for improved security which have been incorporated into the scheme.

PLANNING ISSUES

Planning Policy

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development subject to normal development control criteria. It seeks the speedy approval of proposals that accord with the development plan, and, where the plan is ‘absent, silent or relevant policies are out of date, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or where policies in the NPPF indicate that development should be restricted.

The NPPF also states at paragraph 49 that ‘relevant policies for the supply of housing should not be considered to be up-to-date if a five year supply cannot be demonstrated’. Thus, if there is no five year supply, relevant housing policies which includes E2 (Development Limits) of the Borough of Darlington Local Plan and CS1 (Darlington’s Sub-regional Role and Locational Strategy) of the Core Strategy in their relevance to housing provision, are considered out of date and therefore planning applications would be subject to paragraph 14 of the NPPF, which provides a presumption in favour of sustainable development.

The weight to be afforded to the development plan policies therefore relies largely on whether a five-year supply of deliverable housing sites can be demonstrated. The Borough cannot presently demonstrate a five-year supply of housing land and therefore the ‘presumption in favour of sustainable development’, as contained within paragraph 14 of the NPPF effectively replaces the housing supply policies in the development plan.

At paragraph 14 the Framework says that there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a

whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. Sustainable development is thus a multi-faceted, broad based concept.

Principle of Development

The Council's Interim Planning Position Statement (2016) acknowledges that in order to achieve a five-year supply the Council needs to deliver housing quickly and cannot wait for a comprehensive local plan to be in place otherwise a backlog of under delivery will continue to grow. Whilst the new local plan is being prepared, it states that the Council will therefore consider suitably located sustainable sites, including at the edge of larger villages. More guidance on the local interpretation of the NPPF presumption in favour of sustainable development is set out in the document, and both will be considered further in the following sections of this report. However, key considerations in Darlington are ensuring that proposals:

- Do not unacceptably impact strategic infrastructure without sufficient mitigation;
- Have access to education facilities that have sufficient capacity or capability for expansion (typically 1km to a Primary School with appropriate safe route);
- Have access to goods and services (including shops, post office, etc.)
- Accessibility to public transport and connectivity with existing settlements (such as footpath and cycleway links);
- Good design that respects the character of the area;
- Does not prejudice the good planning and future delivery of the strategic vision for the borough;
- Compliance with restrictive policies identified in the NPPF. For Darlington these could be a combination of: Sites protected under Birds and Habitats Directives and / or Sites of Special Scientific Interest; Local Green Space; Designated Heritage Assets (within the Borough of Darlington this could include Scheduled Monuments, Listed Buildings, Registered Parks and Gardens or Conservation Areas; Locations at risk of flooding.

The above issues have been considered within the submitted application, in the form of detailed analysis through assessments and reports, including capacity of existing infrastructure, sustainability issues and, where mitigation or enhancement is required, proposals for this.

Impact on the character of the locality - design and layout

The applicants have submitted a comprehensive Design and Access Statement. They will use a range of house types for this scheme that will reflect the adjoining housing stock. The dwellings will be two storeys high and the affordable element will be 20% of the overall number of units and is spread around the proposed development.

The estate will be serviced from a new vehicular access situated on the North Western boundary from School Aycliffe Lane and a minimal number of the existing trees and hedging will be removed to facilitate the site access. The remaining perimeter hedging and trees are to be retained to provide mature screening to the application site.

The road pattern is informed by the dwelling block positions within the site and provides a primary road through the development. The secondary roads will terminate at shared surface areas with private drives to the remaining houses.

The SUDS Basin is located at the southern end of the site and is overlooked by dwellings that are accessed by private drives in an attempt to reduce the formality of the layout in this part of the estate. Green “corridors” have been retained on this edge of the site to encourage ecological connectivity along the mature edges both within and without the site boundary.

The applicant’s Design and Access Statement makes the following conclusions :

It is intended retain as many of the existing mature and high-quality trees as possible to reinforce the instant maturity of the site and helping to retain the visual impact upon the surrounding properties.

The development supports the local biodiversity keeping the perimeter hedging and trees around the site only removing enough to allow for the vehicular and pedestrian access.

A clear solution for access around the proposed development giving both vehicular and pedestrians permeability around the site.

The local character of School Aycliffe is to be complemented by the proposed development but allow enough variety to the new building design to provide its own distinctive style. Clearly defined public and private front and rear spaces and the continuity of the proposed building lines and active frontages.

Sustainable transport issues

School Aycliffe settlement contains limited services and amenities but includes a community hall. It is a well established residential area and benefits from bus stops along School Aycliffe Lane. Bus services run from the village into Newton Aycliffe, which contains a wide range of shops, services and employment destinations which are within a 2-3km walk or a short bus journey.

There is a railway station with a half hourly service to Darlington and Teesside (hourly on Sundays) and a bus services serving Newton Aycliffe during the day. It is the intention of the Sustainable Transport Team to improve the frequency of this service, and financial contributions are being sought from the developer via a Section 106 Agreement to supplement this service. The NPPF at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Whilst the current application site is not within safe walking distance of a local school or shops, public transport links, and a dedicated school bus to Newton Aycliffe are available as an alternative

Financial contributions from the developers via a Section 106 Agreement have been agreed which will go towards improving the local bus service and public transport facilities in the locality.

Surface Water and Flood Risk

The proposed development should 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.

The applicant has submitted a sustainable drainage scheme which has been approved by the Lead Flood Authority, subject to the submission of certain further details relating to surface water runoff.

Ecology

The application site is currently agricultural land. The applicant's ecological report notes that :

“The proposed development involves the loss and disturbance of the following habitats:

- Area of intensively managed arable land of low ecological value to accommodate residential development;
- A section of beech hedge of low ecological value to accommodate the development access from School Aycliffe Lane.
- The existing boundary features which include plantation woodland, scattered mature trees, hedgerows, scrub and field ditch to the peripheries of the site will remain unaffected by the works”.

Comments from the Council Ecology Officer confirm that the Environmental impact of the proposed development can be adequately mitigated by selective habitat improvements. A comprehensive landscaping/habitat improvement scheme will be required via condition should planning permission be granted.

Archaeology

The applicant has submitted the results of a geophysical survey which have concluded that there is a potential for archaeological remains is low. Trial trenching needs to be carried out to confirm this however given the results of the geophysical survey this could be done via condition.

Education

There is a requirement within the Council's Planning Obligations SPD for developers to contribute financially towards the provision of education facilities to meet the identified needs of the development.

The Council's Education and People Services section confirm that the local Heighington school can be extended to facilitate new development nearby, however until that point is reached the applicants are content to contribute financially towards a school bus serving a local Newton Aycliffe school.

The details of this are contained within the Section 106 Agreement. Durham County Council have not raised any objections to this proposal as they have ample spare capacity to take the estimated 18 pupils the proposed development may generate when complete.

CONCLUSION

At present, Darlington cannot demonstrate a five year supply of deliverable housing sites against an objective assessment of housing need and therefore the Development Limits identified on the Local Plan Proposals Map and the locational strategy of the Core Strategy 2011 are considered out of date and in the context of the NPPF carry little weight when assessing new housing proposals.

Officers are content that the proposed development is acceptable in planning terms. It satisfies the three roles set out in the NPPF in that it fulfils an economic, social and environmental role.

There is a five year housing land supply shortfall in Darlington and this site represents a deliverable contribution to new housing in the Borough. Although accessibility to the site is limited, the social and economic benefits of the proposal in an area of housing need is considered to be greater than the limited harm to the environment caused.

In view of the above therefore it is considered that the proposed development is acceptable in principle and that planning permission should be granted.

Issues raised by third parties

- *School oversubscribed – new houses will increase that problem.* See above under Education
- *Increased traffic will cause more congestion in the area – the road is in bad repair.* The Highways Engineer has confirmed acceptance of the proposals subject to conditions, and any damage to the road from construction traffic will be assessed.
- *Site is not sustainable – no local facilities –* Newton Aycliffe is accessible by public transport and the developers are providing financial contributions to improve the local bus service and to transport children to a local school until Heighington school is extended.
- *Brownfield sites should be used for development –* This Council is actively promoting brownfield sites for development in and around Darlington, but because of the recognised housing land shortfall in the Borough, suitable greenfield sites are also being considered for development.
- *Flooding will increase from the overflowing SUDS pond –* The Lead Flood Authority has scrutinised the submitted plans Flood Risk Assessment and is satisfied the development will not cause additional surface water flooding. The SUDS basin is design to achieve this end.
- *Some houses will be affected by road noise –* details of noise insulation measures for certain dwellings is required via condition.

SECTION 106 AGREEMENT

The applicants are in the process of entering into a Section 106 Agreement relating to certain planning obligations. At the time of writing these are expected to be the following :

- Education – as the extension to Heighington school has yet to be agreed, the applicants have secured agreement from Durham County Council that children from the proposed development can attend nearby schools in Newton Aycliffe – there being no entry restrictions imposed by Durham. The applicants will make a financial contribution to provide a school bus link from the new development to Newton Aycliffe school(s) for a limited period of two years starting at the occupation of the 50th dwelling.
- Sustainable Transport – a financial contribution in line with the Council's SPD has been agreed.
- Road improvements – a financial contribution towards reducing expected increase in congestion from the proposed development has been agreed with Durham County Council.
- Details relating to the provision of Affordable Housing on site are included within the agreement.

The completion of the above agreement will be time limited to ensure the speedy provision of the site for the approved 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.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO:

A. THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING :

- Education – a financial contribution to provide a school bus link from the new development to Newton Aycliffe school(s) for a limited period of two years.
- Sustainable Transport – a financial contribution in line with the Council's Supplementary Planning Document – Planning Obligations.
- Road improvements – a financial contribution towards reducing expected increase in congestion from the proposed development as agreed with Durham County Council.
- Details relating to the provision of Affordable Housing on site.

B. THE FOLLOWING PLANNING CONDITIONS :

1. The development hereby approved shall commence not later than eighteen months from the date of this permission. REASON To ensure the speedy provision of the site for the approved development.
2. The development shall be carried out in complete accordance with the plans noted below.
Planning Layout (QD1256-311-01 rev. F)
Enclosure Layout (QD1256-332-01 rev.B)
Enclosure Details (QD1256-332-02 rev.A)

BUT – 501 Buttermere
Chad – 451 Chadwick
FEN – 430 Fenwick
HAW 304 Hawthorne
HT2
HT3
JUR 503 Jura
LAW – 327 Larkin
MAL – 320 – Malory
STE – 416 – Stevenson
DG01 – A
Double Garage – Sheet A101
SG 01A – Single Garage

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans

will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON :

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. Prior to the commencement of the development precise details of the internal highway layout and site access junction shall be submitted to and approved in writing by the Local Planning Authority. REASON – In the interests of highway safety.
4. Prior to the commencement of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. REASON – In the interests of promoting sustainable transport and highway safety.
5. 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 complete accordance with the approved detail. REASON – In the interests of residential amenity.
6. Prior to the commencement of the development, the Contractor should contact Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406664) to discuss the requirements of a road condition survey covering the existing adopted highway on School Aycliffe Lane to ensure no further damage is caused to the highway as a result of the construction of the development. REASON - In the interests of highway safety.
7. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit. REASON - In the interests of highway safety.
8. 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 building 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.

9. Before development commences, full details of the proposed improvements to the Horndale Avenue mini roundabout shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Durham County Council. REASON – In the interests of highway safety.
10. The mitigation measures outlined in the document entitled 'Assessment of Noise Levels and Noise Amelioration Measures' by L A Environmental dated 17 May 2017 (report no. MH/TCSA/001) submitted with this application shall be implemented in full prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development. REASON – In the interests of residential amenity.
11. Notwithstanding the mitigation measures outlined within the 'Assessment of Noise Levels and Noise Amelioration Measures' by L A Environmental dated 17 May 2017 (report no. MH/TCSA/001), prior to the commencement of the development precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development. REASON – In the interests of residential amenity.
12. Notwithstanding the mitigation measures outlined within the 'Assessment of Noise Levels and Noise Amelioration Measures' by L A Environmental dated 17 May 2017 (report no. MH/TCSA/001), prior to the commencement of the development precise details of the glazing specifications (including details on the $R_w + C_{tr}$ value) and any acoustic trickle vents (including their acoustic performance - $D_{ne,w}$) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development. REASON – In the interests of residential amenity.
13. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall

not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority. REASON – In the interests of residential amenity.

14. If piled foundations are proposed, prior to the commencement of the development details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. REASON – In the interests of residential amenity.
15. 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

16. 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.
17. E2 Landscaping and implementation
18. B4 Materials.