

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 December 2020

APPLICATION REF. NO:	20/00607/FUL
STATUTORY DECISION DATE:	23 rd October 2020
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land Off Middleton Road Middleton Road SADBERGE DARLINGTON
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and condition 16 (highways works) attached to planning permission 17/00358/FUL (Erection of 25 no. dwellings and provision of access from Middleton Road) dated 16 January 2018 to permit changes to remove footpath adjacent to Middleton Road and create a private postal path
APPLICANT:	ALL SAINTS CONSTRUCTION LIMITED

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS (see details below)

APPLICATION AND SITE DESCRIPTION

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QDM42OFPJA000>

1. The application site is situated to the south of Sadberge, on the east side of Middleton Road and consists of a former paddock measuring some 0.75ha in area. The northern half of the site lies within the Sadberge Conservation Area

and the southern half of the site lies within the setting of the Sadberge Conservation Area.

2. Planning permission was granted in October 2017 for the erection of 25 dwellings on the site with associated access and landscaping, subject to a Section 106 agreement which secured Affordable Housing and a Sustainable Transport Contribution. Pre-commencement conditions were subsequently discharged, and development has commenced on the site. Condition 16 included a requirement for off-site highway works, to include the provision of a new footway along Middleton Road and the applicant now seeks to omit this element of the scheme.
3. The footpath was to provide linkage between the new development and the village with a pedestrian crossing point linking Middleton Roads eastern and western footpaths.
4. The current owners of the site, who were not involved in the 2017 scheme, have carried out their own investigations and have found the provision of a footpath not to be feasible due to the following:
 - Middleton Road is at a much higher level than the onsite highway; each individual plot would require stepped access up to the highway;
 - The above means that a design fully compliant with standards for highways adoption has not been possible owing to technical difficulties with achieving acceptable gradients for DDA compliance;
 - There is an existing NWL rising main which runs parallel the development in front of plots 1-17 meaning each access would be required to cross the NWL asset.
5. The applicant has stated that due to the significant level difference across the site, it is better suited for the development to remove the footpath running adjacent Middleton Road and include a private postal path at a lower level to the front of the dwellings. This means it is possible to closely replicate existing ground levels and reduce the number of rising main crossings, providing increased protection to NWL assets. These proposals have been reviewed by NWL and they have confirmed their approval and that no further asset protection measures are required.

MAIN PLANNING ISSUES

6. An extant planning permission is in place for the development of the site for housing and therefore the principle of the development, is established. The developer is in the process of implementing this permission. This application seeks planning permission to vary the scheme to omit the footpath to the front of the site adjacent to Middleton Road and to include a private postal path to the front of the dwellings. The proposal originally included stepped access however this has now been omitted due to concerns raised by the Highways Engineer.
7. The main issues for consideration are therefore:

- (a) Impact on visual amenity and the Character and appearance of the Sadberge Conservation Area;
- (b) Highway Safety.

PLANNING POLICIES

8. Relevant Local Plan policies include those seeking to ensure that new development:
 - Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2 and CS1);
 - makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
 - Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity and the geological network through the design of new development, including public spaces and landscaping (CS15);
 - protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16).

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highways, Environmental Health Officer, Local Lead Flood Authority, Conservation Officer or Northumbrian Water, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Two letters of objection have been received from residents. The main issues raised relevant to this application are:
 - The postman comes in a van – where will he park when delivering to these houses? If he parks on the main road this will be a highway safety hazard;
 - The exit and entry point to the postal path should be from within the cul-de-sac and not from the main road;
 - Name implies a narrower footpath which would limit its user by certain users including the disabled and pushchair users;
 - Possible danger of speeding and heavy traffic makes it highly unsuitable for residents to have safe use of the footpath;
11. Sadberge Parish Council has also objected to the proposals making the following comments:
 - Parish Council object to footpath being replaced by private postal path. Provision of prefabricated 8 step access to drop crossing point considered a

safety issue for pedestrians crossing from east to west footpath. Parish Council welcome installation of chicane to slow traffic on Middleton Road, but a safe pedestrian crossing will help link the new development to the village.

PLANNING ISSUES/ANALYSIS

a) Impact on visual amenity and the character and appearance of the Sadberge Conservation Area;

12. The introduction of the postal path to the front of the dwellings instead of an adopted footway adjacent to Middleton Lane, does not raise any additional issues in respect of the impact of the scheme on the visual amenities of the locality and its impact on the Sadberge Conservation Area. The proposal accords with Policy CS2 and CS14 in this regard.

b) Highway safety

13. The path is intended as a postal path for accessing the fronts of dwellings. However given the nature of the rear access and parking, the primary access to dwellings will be from the private road located to the rear. Given that the path is within private land and has stepped access to some dwellings this does not fall under the remit of highways and will therefore be a consideration for Building Control.
14. It was previously intended by the applicant for an adoptable highway footway to be provided to the east of Middleton Road however a design fully compliant with standards for highways adoption has not been forthcoming owing to technical difficulties with achieving acceptable gradients for DDA compliance. The highways Authority will only consider a footway to be acceptable for adoption under the Section 38 process or permit works within the existing highway under Section 278 agreement where a design is demonstrated to meet all required standards. To this end steps within the highway or intended for highway adoption are not acceptable nor are retaining walls or structures for supporting footways.
15. The applicant has demonstrated two acceptable crossing points at the site access and the Highways Engineer considers these to be sufficient as these provide adequate connectivity north and south.
16. The Highways Engineer has also noted that a highway footway fronting the site would have been of limited value for connectivity given that there is no highway land available to connect to the village on the eastern side of Middleton Road as private gardens extend to the edge of the carriageway. The second concern is that visibility from the north west corner of the site is restricted and therefore not a safe place to cross, and provision of a highway footway would have actively encouraged this.
17. The applicant has demonstrated robust traffic calming features as part of the offsite highway works which propose a priority system and speed cushion. This design is self-enforcing and has been agreed through consultation with Durham

Police who are supportive of the measures. The design will be formally approved as part of the Section 38/278 process and final drawings of off-site highway works should be required by planning condition.

18. Other matters which were agreed as part of the previous application remain unchanged, with access, visibility and parking being and traffic generation being fully considered and agreed as part of the 17/00358/FUL application. As this application makes no material change to these matters these issues are not for consideration as part of this planning application.
19. Subject to a planning condition to require submission and agreement of all off-site highway works, and their completion prior to first occupation of the dwellings, the Highways Engineer has raised no objections to the proposed scheme.

CONCLUSION AND RECOMMENDATION

20. The proposed development complies with the relevant policies in the development plan. Subject to the recommended conditions below, many of which are repeated from the previous approval, including the submission of details of off-site highway works to include pedestrian crossing points and traffic calming features, the proposal is acceptable. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

21. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

22. 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.
23. Accordingly it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. PL (Accordance with Plans)
Site Location Plan
SITE-WD-01 Rev H Proposed site plan
SITE-WD-02 Rev H Proposed site plan
SITE-WD-10 Rev F Landscape proposals
SITE-WD-11 Rev E Hard Landscape proposals

SITE-WD-12 Rev H Elevation facing materials
SITE-WD-13 Rev D Bat and Bird Box Locations

2. Construction and demolition work (including deliveries) 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 permission from the Local Planning Authority.

REASON – In the interests of residential amenity.

3. The external materials to be used in the carrying out of the development shall comply with those previously agreed and specified in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to preserve the character and appearance of the Sadberge Conservation Area.

4. Landscaping (Implementation)
5. Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed at all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the boundary treatment shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

6. The development shall be completed fully in accordance with the previously approved Scheme of Affordable Housing in the document entitled 'Affordable Housing Statement: Discharge of condition 6 (17/00358/FUL) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To comply with Council Housing Policy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that order with or without modification) no enlargement, improvement or other alteration of the dwellings hereby approved, including any additional buildings / structures within their curtilage, shall be carried out without the prior written consent of the Local Planning Authority to whom an application must be made.

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

8. All parking, including garaging, car ports and hardstanding, shall be provided prior to the dwellings hereby approved being first occupied and thereafter they

shall be retained permanently available for parking purposes and for no other purpose without the prior written consent of the Local Planning Authority.

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

9. The open car ports provided for dwellings 12 and 13 shall remain open parking spaces and no garage doors or gates shall be installed without the prior written consent of the Local Planning Authority to whom a planning application must be made.

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

10. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Site wide engineering layout” dated “17/07/2020”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2601 and ensure that surface water discharges to the combined sewer at manhole 1502. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

11. The development shall be completed in accordance with the Scheme of Surface Water Drainage and Management set out in the following documents:

- Engineering layout drawing no. 20046-CK-XX-XX-DR-X-C-9004 Rev. C2
- Section 104 Agreement – public drainage layout drawing no. 20046-CK-XX-XX-DR-X-C-52104 Rev P4
- Private drainage drawing no. 20046-CK-XX-XX-DR-X-C-5211 Rev. C3
- Construction Programme (Sadberge Initial Draught) All Saints Construction

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

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area in accordance with the guidance within the Core Strategy Policy CS16 and the National Planning Policy Framework.

12. The development shall be completed in full compliance with the submitted Construction Management Plan (All Saints Construction; Decision 17/00358/FUL; Land off Middleton Road Sadberge Darlington) unless otherwise agreed in writing with the Local Planning Authority.

REASON – In the interests of highway safety and residential amenity.

13. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the dwellings hereby approved. The submitted details shall include formation of a new site access junction, a traffic calming feature to the entrance to the 30mph speed limit, resurfacing of Middleton Road to remove the coloured ripple print surface and resurfacing on the approaches to comply with the current skid resistance policy, and pedestrian crossing points. The development shall not be carried out otherwise than in complete accordance with the approved details, and the works shall be fully completed prior to the occupation of the first dwelling.

REASON – In the interests of highway safety.

14. Prior to the first occupation of the homes hereby approved, confirmation of the type of noise amelioration measures to be incorporated into the facades of the dwellings fronting onto Middleton Road must be submitted to, and approved in writing by, the Local Planning Authority. Details for the noise barrier must include construction materials, method of construction and its exact location on site. The submitted documents for the facades of the dwellings shall meet the requirements set out in Table 3 of the Noise report (ASC/SB/001) submitted in support of the application. The development shall not be carried out other than in complete accordance with the approved details.

REASON – In the interests of residential amenity.

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

REASON – In the interests of ecology.

16. Notwithstanding the recommendations contained within the Extended Phase 1 Habitat Survey, the previously agreed habitat boxes shall be installed in accordance with Drawing No. SITE-WD-13 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of Ecology.

17. The development shall be carried out in accordance with the previously approved programme of archaeological work (Land South of Prospect House, Middleton Road, Sadberge: Archaeological Watching Brief; Written Scheme of Investigation DS19.83 on behalf of All Saints Construction (Durham University; March 2019). The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON - To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework.

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

REASON - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible

INFORMATIVES

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

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