

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23rd January 2019

APPLICATION REF. NO:	18/01159/CON
STATUTORY DECISION DATE:	7th February 2019
WARD/PARISH:	Middleton St George
LOCATION:	Rear of Grendon Gardens and High Stell, Middleton St George
DESCRIPTION:	Discharge of condition 9 (submission of Construction Management Plan) of Outline Planning Permission 15/00976/OUT – Residential Development for 198 dwellings.
APPLICANT:	Homes by Carlton

APPLICATION AND SITE DESCRIPTION

Planning Committee Members considered the outline planning permission referred to above and then the subsequent Reserved Matters application last year, imposing conditions that required the submission of a Construction Management Plan. The discharge of the Reserved Matters condition is the subject of a separate application on this Agenda.

As part of these plans, two accesses to the development site were expected to be included, in line with the approved plans included within the outline planning permission and the reserved matters approval. One via Grendon Gardens and another via High Stell. It was considered that two accesses were required to reduce the impact of construction traffic (and later residential traffic) on local residents living in the locality, should the whole development be carried out at the same time.

Members requested that applications to discharge the Construction Management Plan, conditions came back to the Planning Committee for consideration if Officers were minded to recommend approval.

PLANNING HISTORY

Apart from the two main residential planning applications referred to above, there have been a number of other discharge of condition applications:

18/00623/CON – Construction Management Plan discharge – Withdrawn September 2018
18/00633.CON - Construction Management Plan discharge – Withdrawn September 2018
18/00654/CON – Various other conditions – Approved September 2018
18/00675/CON – Various other conditions – Withdrawn September 2018
18/00724/CON – Travel Plan and Archaeology discharge – Approved October 2018

In addition planning application 15/00041/OUT was submitted for up to 200 dwellings and refused on 15th July 2015 on grounds of lack of school places and traffic impacts on local residents (only one access proposed via Grendon Gardens).

PLANNING POLICY BACKGROUND

Core Strategy Policy CS10
Core Strategy Policy CS16
NPPF – 2 – Achieving Sustainable Development

RESULTS OF CONSULTATION AND PUBLICITY

Planning Permission has already been granted subject to a number of conditions. Under normal circumstances the discharge of conditions would be dealt with by officers under the Director's delegated powers. It was however a specific requirement of Members that the Construction Management Plan condition was brought back to Committee for consideration.

In this instance the Highways Engineer and Environmental Health were considered to be the relevant consultees and their comments are reproduced below.

The Highways Engineer – Comments as follows:

Partial discharge of highway related conditions for phase 1 (0-50 dwellings) attached to outline application 15/00976/OUT:

The Highways Engineer has acknowledged that this proposal is the compromise offered by the developers pending the agreement to use the second access. The agreement makes clear that only 50 houses can be built out from this one access, whilst his preference would be to make use of the second access in order to best manage construction traffic for all phases of the build, the second access was primarily required for residential amenity and would have had a secondary benefit for construction management.

It is considered therefore that there is no reasonable justification to refuse the discharge of the traffic management condition on highway grounds provided the condition relates to the construction of the first 50 dwellings.

Environmental Health – Comments as follows:

The Environmental Health Officer is satisfied with the information submitted with the application to discharge the traffic management condition in relation to dust and noise mitigation and would generally have no issues with recommending the above condition is discharged for Phase 1 i.e. the construction of the first 50 dwellings only which is what the applications are seeking to discharge at this stage.

PLANNING ISSUES

The applicant has submitted a revised Construction Management Plan and covering letter which includes the following:

Phase one works will consist of the construction of 50 houses and will take approximately 18 months to construct. It is anticipated that phase one works will use Grendon Gardens as an access to the site. A further Traffic Management plan will be submitted which will bring a second access into use to construct phases 2, 3 and 4.

and further :

The scheme as presented relates solely to the first 50 dwellings (phase 1 of 4) of the approved 198 dwelling scheme. Access for the first 50 dwellings will be achieved via a connection to the existing roads comprising Grendon Gardens/The Greenway only.

The trigger point for the creation of a second access to the site from High Stell will be before occupation of the 51st dwelling (phase 2 of 4) commences. All of the above referenced technical information relates solely to the first 50 dwellings (phase 1) only.

It is considered that the above arrangement is a satisfactory compromise which will limit the use of a single access to a maximum of 50 dwellings – a situation not dissimilar to other residential developments in the Borough.

It is acknowledged that the original outline permission envisaged two accesses to the site. However as there are difficulties in securing the second access via High Stell due to land ownership issues, this compromise will allow a limited number of dwellings (50) to be constructed without causing an unacceptable prolonged impact on nearby residents and will maintain the delivery of new housing in the Borough of Darlington.

CONCLUSION

Whilst there was a preference to have two access points to the development site from the beginning of Phase 1 of the development, discussions between the developers and Officers have resulted in a compromise solution being arrived at, to present to Members.

In order to progress the start of development as early as possible it is proposed to utilise the already available Grendon Gardens access for the first phase of the development only. After some 18 months, upon completion of the first phase, the High Stell access will need to be available in order for phase two to commence. This will dilute the amount of traffic using the Grendon Gardens route, and reduce the impacts on local residents along that route.

The wording of the covering letter and Construction Management Plan is considered to be robust enough to enable enforcement of this method of developing the site.

In view of the above therefore it is recommended that condition 9 (submission of Construction Management Plan) of Outline Planning Permission 15/00976/OUT – Residential Development for 198 dwellings is discharged, as far as it relates to the first 50 dwellings.

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 condition 9 (submission of Construction Management Plan) of Outline Planning Permission 15/00976/OUT – Residential Development for 198 dwellings is discharged, as far as it relates to the construction of the first 50 houses of the development.