

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 20<sup>th</sup> March 2019**

**APPLICATION REF. NO: 19/00040/FUL**

**WARD/PARISH: MIDDLETON ST GEORGE**

**LOCATION: Land adjacent Oak Tree Pub off Yarm Road  
Middleton St George, Darlington**

**DESCRIPTION: Erect 12 dwellings and access roads and  
other infrastructure. Variation of condition 3  
(approved plans) attached to planning  
permission 18/00591/FUL to permit the  
substitution of house types and minor  
changes to the layout.**

**APPLICANT: Mandale Homes**

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**APPLICATION AND SITE DESCRIPTION**

Middleton St George is a large village located some three miles (six kilometres) east of central Darlington and two miles (three kilometres) from the A66 (T). The separate village of Middleton One Row lies over a mile (two kilometres) south of Middleton St George.

The application site is agricultural grassland and is located in Oak Tree which is a subsidiary settlement of Middleton St George which is located about half a kilometre to the west. It lies between Oak Tree Close and Yarm Road immediately to the east of the Oak Tree public house.

The application site covers an area of some 0.4 hectares of land and would be accessed off Oak Tree Close via a short cul de sac. The density of the development is approximately 30 dwellings per hectare; which is well within normal accepted density limits.

12 dwellings are proposed – 9 three bed roomed and 3 two bed roomed but with two affordable units included in the layout. Some of the properties will share a car parking courtyard with the remainder having private drives.

**This application is a Section 73 application which aims to vary condition 3 (approved plans) attached to planning permission 18/00591/FUL to permit the substitution of house types and minor changes to the layout. No other issues are being considered as these were approved under 18/00591/FUL.**

## **SITE HISTORY**

16/00059/FUL – 8 apartments and 12 dwellings – Refused permission August 2016 on grounds of density, design, lack of affordable housing provision and road safety issues. No appeal submitted.

16/01256/FUL - Erection of 12 dwellings, associated roads and landscaping – approved 19<sup>th</sup> June 2018

18/00591/FUL - Erection of 12 dwellings, associated roads and landscaping (amended scheme) – approved 12<sup>th</sup> December 2018

## RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal and a site notice was displayed. **3 letters** of objection have been received raising the following issues.

- Proposed plot 6 driveway is too close to the junction.
- Road is narrower than standard and the 3 properties 6/7/8 constitute a potential parking problem should they be holding some type of function causing guests to park outside.

**Planning Policy** – See below.

**Durham Constabulary** – No objections to the proposed layout.

**Environmental Health** – No objections on grounds of contaminated land or noise issues. Advises conditions on previous approval be re-imposed.

**Highways Engineer** – The Highway Officer raises no objection to the proposal, subject to appropriate conditions being applied as before

**Lead Flood Authority** – No objections to the final submissions of the applicants relating to surface water run off subject to conditions being attached to any permission granted as before.

**Northumbrian Water** — Request condition attached relating to submission of final details relating to foul and surface water disposal as before.

**Sustainable Transport** – The number of dwellings is below the trigger point for contributions towards an improved bus service. Contributions will be required via a S106 Agreement towards improved bus stop facilities, footpath and lighting improvements.

**Parish Council** – Object for the following reasons :

- Access onto Yarm Road dangerous.
- Access around Oak Tree Close a problem due to narrow nature of the private road.
- Not enough visitor car parking for some dwellings. (Highways Engineer notes that the garages can be used as a parking place).

## PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS10 – New Housing Development
- CS11 – Meeting Housing Need

The National Planning Policy Framework 2018 is also relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

## **PLANNING ISSUES**

As noted above, this application relates to the variation of house types (no increase in number) approved under a previous planning application. No other issues are being considered except the changes to the layout which have been supported by the Highways Engineer. All the conditions imposed on the earlier approval will be attached to this application if approved.

### **Planning Policy**

As this application relates to a variation of a previous planning permission which is still valid, there are no planning policy implications to be considered in this instance.

### **Design and scale of the development – impact on character of the locality.**

The density of the proposed development is around 30 dwellings per hectare, which whilst higher than the adjacent low density housing estate off Oak Tree Close, is well within what is considered acceptable in planning terms for a small estate of houses. The site plan shows many of the plots having reasonably sized rear gardens and most with spacious open frontages, similar to properties on Oak Tree Close.

Many of the existing dwellings on nearby housing estates share similarities in the design and scale of the proposed dwellings. Officers therefore consider that the proposed design of the new dwellings is appropriate for this particular locality.

In view of the above therefore it is considered that the proposed variation of house types is acceptable and will not result in harm to the locality in terms of visual impact.

Planning conditions are required as before in relation to matters such as materials, landscaping and affordable housing provision.

### **Highway Safety**

The Highways Engineer is aware of the concerns of the Parish Council as noted above and commented in response : *The principle of development has been set and this latest change of house type application has in my view no material difference in highway terms. The existing development will be improved in terms of pedestrian safety and connectivity as a footway will be extended further in to Oak Tree Close and the existing footway will also be widened to 2.0m as is the modern design standard. The drive access to plot 6 meets all required design standards as does the level of parking provision across the site. It is worth noting that a development of up to 300 dwellings may be served from a single access and this development is a modest intensification of use over the existing number of vehicle movements.*

## **Residential Amenity**

The site lies adjacent a public house and its associated car park so there is potential for noise nuisance to be caused from this use, however the likely impacts were considered within the earlier planning applications and were not seen to present a problem in this instance.

## **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.

A section 106 Agreement was completed on the 3<sup>rd</sup> January 2018 which contained the following obligations:-

- sustainable transport contribution of £10,800 to be used by the Council towards footpath improvements on Yarm Road
- public transport contribution of £5750 to be used by the Council towards the cost of an inbound bus stop adjacent to the Development on Yarm Road

This Agreement will need to be varied and be attached to this application should it be granted.

Having considered the local development plan policies and all other material considerations in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal is considered to be acceptable.

## **RECOMMENDATION**

That Planning Permission be granted subject to the completion of a Deed of Variation of the Section 106 Agreement dated 21<sup>st</sup> December 2018 and subject to the obligations contained therein.

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME (THE DECISION AS TO WHETHER OR NOT TIME IS TO BE EXTENDED IS DELEGATED TO OFFICERS), THE PERMISSION SHALL BE REFUSED WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF CORE STRATEGY POLICY CS4 (DEVELOPER CONTRIBUTIONS). THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:

The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for improving sustainable transport and public transport

facilities in the locality of the application site in order to mitigate the impact of the proposed development.

Conditions :

1. A3 – Implementation
2. B4 – Materials
3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Site layout plan – 1853/001F Revision F

House detail plans – 1853/003, 1853/004A and 1853/005A

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.

4. E2 – Landscaping
5. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. This shall include a plan showing the location of the units. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:
  - a. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - b. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
  - c. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
  - d. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
  - e. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

REASON – To comply with the requirements of the local Development Plan.

6. Precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of the existing footway along the north-south section of Oak Tree Close to 2.0m wide, the addition of a new footway along the frontage of the development on the east-west section of Oak Tree Close at 2.0m wide (measured between restraints) connecting into the surrounding infrastructure and the new site access junction and linking footways. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

7. 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.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

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

9. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water 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 the construction phase;
- IV. Details of adoption responsibilities.

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.

10. The buildings hereby approved shall not be brought into use until:-

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;

- II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON: To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

**Informative** - 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 with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.

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

An appropriate street lighting scheme and design to cover the new adopted highways and proposed amendments should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter