

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 October 2019

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APPLICATION REF. NO:	18/00994/FUL
STATUTORY DECISION DATE:	30 June 2019
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land at Newton Grange Farm Sadberge Darlington
DESCRIPTION:	Erection of 25 No. dwellings
APPLICANT:	MR PAUL VICKERS

APPLICATION AND SITE DESCRIPTION

The application site, which measures some 1.3 ha in area is situated on the east side of Sadberge, to the north of Stockton Road. A play area and residential dwellings at Abbey Road are situated to the north and west and agricultural land is situated to the east. Stockton Road runs east-west to the south of the site, and beyond that to the south is agricultural land. The A66 is situated some 280m away to the east. The site is currently in agricultural use, managed as arable crop. The Sadberge Conservation Area boundary, which does not include the site, runs west on the north side of Stockton Road towards the village and south west towards Middleton Road. The site is within the setting of the Conservation Area. Several semi-mature trees and hedgerows bound the site. Ground levels fall from the existing housing in a south easterly direction towards the site. A small pond is situated close to the southern site boundary.

Planning permission is sought for the following:

- The erection of 25 No dwellings consisting of a mixture of three and four-bedroom, two storey house types all with private rear gardens and front drives;
- Access from a single point on Stockton Road;
- Associated landscaping including a SuDs basin to the south east of the site;
- A foul water pumping station to the north east corner of the site;
- A proposed Affordable Housing contribution of 10% which the application states will be secured via a S106 agreement, together with financial contributions towards off-site open and play space and education;

A Heritage Statement has been submitted with the application which assesses the impact of the proposals on the significance of the adjacent Sadberge Conservation Area.

Application documents including Heritage statement, plans, consultation responses, representations received, and other background papers are available on the DBC website.

Environmental Impact Assessment Requirements

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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

There is no planning history on the application site relevant to this application.

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Darlington Core Strategy (2011)

- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multi-Functional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

Borough of Darlington Local Plan (1997, Alterations 2001)

- E2 – Development Limits
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Tees Valley Minerals and Waste Development Plan Documents

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

Planning Obligations Supplementary Planning Document (2013)

Design of New Development Supplementary Planning Document (2011)

National Planning Policy Framework (2019)

STATEMENT OF COMMUNITY INVOLVEMENT

The Council's Statement of Community Involvement (Part 2) (August 2018) (SCI) sets out when the Council expects developers to undertake pre-application community consultation. The proposed development falls into those instances where pre-application community consultation is required, being the provision of dwelling houses where there are 10 or more dwellings or on a site having an area of 0.5 hectares or more, and a significant development that conflicts with the policies in the development plan or government planning policy.

The SCI sets out what form the engagement could take, and requests that where pre-application community engagement has taken place, the applicant should include a statement with their planning application to detail what has been done, and how that has been reflected (or not) in the scheme. In this case, no pre-application community consultation has been undertaken.

RESULTS OF CONSULTATION AND PUBLICITY

Six letters of objection have been received raising the following concerns:

- *The site is outside of development limits; Does not meet the requirements of the rural exception policy; Contrary to the policies of the development plan; The site was not included in the Council's 5-year housing statement;*
- *Once developed this countryside site would be lost forever; The benefits of greenspaces on our well-being has been raised by Friends of the Earth before in relation to the Local Plan and other developments and we are concerned and dismayed with this potential further loss;*
- *Fails to demonstrate how it would be beneficial to the village from an economic or social point of view;*
- *One of the proposed houses will overlook my property from windows on the first floor;*
- *Potential traffic congestion in the village (25 houses with potential for a further 50 cars in and out of the village daily); Will encourage car usage and is unsustainable;*
- *The proposed access onto Stockton Road would be hazardous, especially with the current speed limit of 60mph; It is questionable whether a reduction to 30 mph would be achievable;*
- *The land is not 'vacant land' it is farm land that has been farmed for many years;*
- *Would set a precedent to pave the way for further development also outside of the development limits;*
- *Sadberge needs to preserve its status as a rural village;*
- *During heavy rainfall Stockton Road near to the A66 and the proposed development does flood and there is concern that this may be exasperated by such a development; Will the SuDs drain into the pond? If so how likely is it to overflow onto the public highway; There has been sewer flooding around the Abbey Road area and there is a fear that this development may worsen the frequency and magnitude of such events with the proposed foul sewer connection; The surface water drainage to the site is in my view inadequate in that it proposes to drain into a non-existing ditch near the junction with the A66;*

The area is known to flood quite frequently and the proposal will make this much worse; The position on the 36 inch water main is only approximate and should in my view be determined physically on site as it could dramatically affect the layout and number of houses achievable;

- *Lack of facilities to serve the community let alone a growing community; The village is very poorly served by local bus services (three services Monday only); The nearest local rail station is almost 4km away with the nearest major rail station being approx. 6.5km away; The nearest bus stop is over 0.5km away from the proposed development; The developers offer of £30,000 towards the cost of supporting and improving the bus service seems rather light to sustain the bus service in the longer term given the apparent cost of operating the current meagre bus service; It is just over 8km to the nearest shops in Darlington Town Centre by car;*
- *Mention of a shop refers to the petrol station on the A66 – this poses a health and safety risk particularly for young children wishing to visit the shop as the route to the shop is along the A66 and then across a busy garage forecourt;*
- *The development would remove a hedgerow essential to preserve the current wildlife; The developers surveys seem to be lacking in terms of biodiversity outputs; Trees and hedgerows are to be removed but it is not clear if there are biodiversity losses or gains; A full environmental survey of the area including the pond is therefore required with mitigating measures to conserve any protected species; The provision of bird and bat boxes and landscaped areas for pollinators also appears to be lacking;*
- *Insufficient onsite survey of existing pond; I believe there are species of invertebrates around the existing pond some of which could be protected species;*
- *The proximity to the A66 could make such a development a target for criminals (car theft, burglaries, etc.) raising the crime rate in the area and driving up house and car insurance premiums for residents;*
- *Proposed housing is out of character with the village site and surrounding area;*

Seven letters of representation have been received, making the following points:

- *We need some development to bring in new people and keep our village alive and to support our coffee shop, pre-school and village activities; The extra housing is needed and will enhance the village by allowing it to thrive;*
- *A set of traffic lights in the village would go a long way to help that situation;*
- *The development includes affordable housing which would help young villagers get onto the housing ladder too;*
- *With the site being on the edge of the village it will cause minimal disruption during construction work;*
- *This is a piece of land that is awkward to work with large modern farm machinery;*
- *Over the years the village has lost several facilities – the two village pubs seem to be ticking over at present and will only do so along with the village hall if more residents support them;*
- *The surface water collection pond is a fine feature for the wildlife;*
- *There will only be a small section of hedgerow removed for the development;*

- *The houses look of good design and are to be constructed with quality materials, which will only enhance the character of the village;*

Sadberge Parish Council has objected to the proposals, raising the following concerns:

- *The proposed development would be outside the limits to development and it does not meet the requirements of the Rural Exceptions Policy;*
- *Sadberge is not a suitable location for sustainable development;*
- *Darlington Planning Strategies – including the Darlington Local Plan and the Core Strategy have consistently not included Sadberge as a suitable location for development;*
- *The proposed development would be contrary to the wishes of the Sadberge community, as expressed in the Sadberge Parish Plan;*

Highways England has been consulted and has raised no objections to the proposed development.

The Council's **Highways Officer** has been consulted and raised several issues regarding the proposed layout, however the applicant has chosen not to make any further amendments or submit any further information regarding this issue.

The Council's **Conservation Officer** was consulted and considers that there would be harm to the setting of the Conservation Sadberge Conservation Area and that this should be weighed against the public benefits of the proposal.

The **Local Lead Flood Authority** has been consulted and considers that the application contains sufficient information to satisfy officers that a surface water run-off solution can be achieved without increasing existing flood risk to the site or the surrounding area, however that a detailed design for the management of surface water run-off from the proposed development has not been provided and this should be required by planning condition should planning permission be granted.

Northumbrian Water has been consulted and has raised no objections subject to a planning condition to require the development to be implemented in accordance with the submitted Flood Risk and Drainage Assessment (October 2018).

The **Historic Environment Record Officer** has been consulted and has recommended that the site is evaluated by trial trenching, pre-determination, to test and confirm the geophysical survey results, to be carried out in line with an agreed Written Scheme of Investigation.

The Council's **Sustainable Transport Officer** has been consulted and considers that due to the location and poor accessibility of the site, a public transport contribution of £30,000 would be required to extend / increase the frequency of Service 20, which currently runs three journeys on a Monday only.

The **Ecology Officer** raised no objections to the proposed development subject to planning condition to require compliance with all recommendations / mitigation within

the Preliminary Ecological Appraisal, together with a requirement for a pre-development checking survey relating to the pond and an ecological method statement in relation to amphibians during the construction phase of the development.

The Council's **Environmental Health Officer** has raised no objections on contaminated land grounds subject to the standard contaminated land conditions. Also recommended would be a planning condition to secure submission and agreement of a Construction Management Plan, and a condition to control hours of construction work. A noise assessment was requested however the applicant has chosen not to submit this, or any additional information regarding this issue.

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

The Council's **Senior Arboricultural Officer** has identified potential impact on trees within the site and recommended that should planning permission be approved, a planning condition be attached to secure a scheme for the protection of trees to be retained.

The **Architectural Liaison Officer** has raised the following issues:

- *The crime risk for this proposed development could prove to be high because of its proximity to the arterial road which provides easy access for travelling criminals;*
- *The houses to the east of the site do not relate to the play space, they should front onto it making it a feature of the development rather than shutting it out and making it a dead space;*
- *The site does not connect well with the existing village, so amenity space will be important particularly for children playing with oversight from their parents;*
- *The boundary treatments should be close boarded fencing;*
- *The fencing for the plot divisions in the rear gardens should consist of 1.8m privacy screen of 3 metres and continued with 1500mm close boarded fencing topped with a 300mm trellis.*

PLANNING ISSUES

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

- Policy position
- Impact on Designated Heritage Assets;
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of agricultural land
- Impact on the character and appearance of the countryside and the village;
- Highway and Sustainable Transport issues;
- Surface Water and Flood Risk
- Land contamination;
- Noise
- Design and Layout;

- Residential Amenity;
- Ecology;
- Trees

Policy position

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) supports the plan led system providing that planning decisions should be genuinely plan led (NPPF para. 15).

Five-year housing supply position

The Ministry for Housing Communities and Local Government have recently announced that councils should start using the government's new standard method for assessing housing need immediately when determining planning applications. National Planning Policy Guidance (NPPG) has also been updated to reflect this. Paragraph 30 of the NPPG states that housing requirement figures identified in strategic policies should be used as the starting point for calculating the five-year land supply figure for the first five years of the plan and where strategic housing policies are more than five years old but have been reviewed and are found not to need updating. In other circumstances the starting point for calculating the five-year land supply will be local housing need using the standard method.

Utilising the local housing need figure for Darlington (177 dwellings per annum) which factors in the latest 2014 household projections, as requested by the Government, the Council considers that as at February 2019 a 35.3-year supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five-year supply of housing land, relevant policies for the supply of housing should be considered up to date and the tilted balance in paragraph 11 of the NPPF is not engaged.

A 20% buffer has been applied to this figure due to previous under delivery. However, if considered against local housing need delivery has exceeded this figure.

The Council has produced a Five-Year Housing Land Supply Position Statement (January 2019) which sets out the housing land supply position for the period 1 April 2018 to 31 March 2023; when measured against the local housing need figure.

Principle of the development

The aim of Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997 is to direct new development to within the development limits of the village and to safeguard the character and appearance of the countryside. The application site is located beyond the development limits of the village and therefore residential development would be contrary to saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan (1997) and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy (2011).

Sadberge is not identified as one of the larger service villages in the Core Strategy or the Interim Planning Position Statement. For this reason, the site has not been identified as a suitable location for housing development. This is a stance which is to be maintained in the emerging Local Plan. It is therefore considered that the site would be an unsustainable form of development which would be contrary to the development plan.

Officers are of the view that substantial weight can still be attached to Policy E2 (Development Limits) particularly when a five-year supply can be demonstrated, as the policy is consistent with the NPPF regarding several areas. It is important to note that the age of the policy is irrelevant to its consistency with the NPPF. Paragraph 20 of the NPPF requires decision-takers to make provision for 'conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructures'. Policy E2 is consistent with the NPPF to the extent that it seeks to prevent 'unacceptable harm to the character and appearance of the rural area'.

Policy E2 also seeks to direct development to the urban areas, which are likely to be more sustainable. It is therefore consistent with the core planning principle that "Significant development should be focused on locations which are or can be made sustainable..." (para 103 NPPF). E2 does not provide a blanket protection or impose a blanket ban of certain types of development. There are several exceptions to E2 which include rural exception residential development. As such, each case can be judged on its own merits according to whether it is an appropriate use in the countryside and whether the development has an unacceptable impact on the character and appearance of the rural area.

Settlement boundaries can be out of date where they were drawn to accommodate a level of growth up to a certain point. This may be the case if the sole purpose of drawing the settlement boundaries was to deliver a certain housing figure. This is not the case for the Local Plan as the limits were also drawn to protect the character and appearance of the countryside and to differentiate between the urban and rural area. As such saved Policy E2 (Development Limits) can be attributed substantial weight in the planning balance.

It is also the Council's view that policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) has consistencies with the NPPF and can be given weight in the planning balance. The policy sets out the Council's locational strategy for new development, focusing on the main urban area and the larger service villages of Hurworth, Heighington and Middleton St George. This strategy is to be carried forward into the emerging Local Plan. This approach is consistent with the NPPF in focusing significant developments in locations which are or can be made sustainable. In the same regards as Policy E2, CS1 does not result in a blanket restriction on development in the countryside but does state the 'outside the limits to development of the main urban area, and the villages, development will be limited to that required to meet identified rural needs'.

Several recent appeal decisions for residential development support the Council's approach set out above.

It should also be noted that the proposed scheme does not meet any of the criteria for permitted types of residential accommodation in the countryside as set out in saved policy H7 of the Local Plan. However limited weight should be afforded to this policy as it is not fully consistent with the NPPF.

To conclude, it is considered that Policies E2 (Development Limits) and CS1 (Darlington's Sub-Regional Role and Locational Strategy) should be given substantial weight in the planning balance and the tilted balance outlined in paragraph 11 of the NPPF should not be engaged as a five-year supply of housing land can be demonstrated. This approach has been supported by a recent appeal decision. The application site is located beyond the development limits of the village and therefore residential development would be contrary to saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan (1997) and Policy CS1 (Darlington's Sub-regional Role and Locational Strategy) of the Core Strategy (2011) and the development proposed is not of a type that will be permitted under Saved Policy H7 (Areas of Housing Development Restraint) and should be refused planning permission unless material considerations indicate otherwise.

Impact on Designated Heritage Assets

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect and / or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's Green Infrastructure network.

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 within the setting of the Sadberge Conservation Area, the development must be considered against paragraphs 193-196 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. Notwithstanding the policy considerations set out earlier in this report, the consideration of this issue goes to the heart of the decision-making process.

A Heritage Statement prepared by Simpson & Brown (October 2018) was submitted in support of the application to assess the impact of the proposal on the significance of the Sadberge Conservation Area.

The Council's Conservation Officer was consulted and has made comments in the context of the core arguments set out in this document and these comments are reproduced below.

Sadberge lies at a point where the Roman Road from Middleton One Row crosses a commanding east-west ridge and the steeply falling north green commands views over the open countryside. The Conservation Area includes the green and historic areas around the Church, the earthworks north of the village, and other open land necessary to safeguard the appearance of a ridge village in the landscape. The boundary of the Conservation Area was extended in 1999.

Sadberge Conservation Area does not have the benefit of a Conservation Area Character Appraisal. The site is located approximately 70 metres to the east of the Sadberge Village Conservation Area at their closest points. In contrast to what the Heritage Statement states, I consider the application site to be within the setting of Sadberge Conservation Area.

The Heritage Statement follows Historic England Guidance on the setting and development management of designated heritage assets in its guidance note 'Historic Environment Good Practice Advice in Planning, Note 3: The Setting of Heritage Assets (2015). It sets out a stepped approach to assessing the implications of development proposals to guide the assessment of setting.

The Heritage Statement states that the aesthetic values of the Sadberge Conservation Area are both design and fortuitous. The fortuitous values are concentrated at the core of the conservation area. It also says that other parts of the conservation area 'do not have equal aesthetic value, either design or fortuitous'. I do not necessarily agree with this. The open agricultural land around the built form of the village are necessary to safeguard the appearance of this ridge village in the landscape.

The Heritage Statement sets out how the nearest part of the Conservation Area to the application site is a triangular field at its south eastern corner. It states that 'this field has no value in itself but has been included to protect the setting of Sadberge Conservation Area'. I agree with the Heritage Statement that this land is part of the setting for the built elements of the conservation area, however it is also within the Conservation Area. The setting of the Conservation Area boundary is much wider, and not defined, however in my opinion the application site falls within this wider setting due to it adjoining a historic route to and from the village (Stockton Road).

The Heritage Statement states that this triangular field is important as part of the 'distant character of Sadberge' but plays a minimal part in protecting the heritage characteristic of Sadberge. The proximity between the application site and the corner of the Conservation Area should be given little concern in the opinion of the applicant.

However, in my opinion the open nature of the land closest to the application site does have heritage value as it forms part of the rural context of the village. Hence it was in the original Conservation Area boundary designated in 1972. The 1999 extension brought land to the west and north-west into the boundary to ensure more of the rural context of the village was not lost to development. The boundaries have not simply been drawn to include a buffer zone around the village.

The Heritage Statement states 'view towards Sadberge, in the context of the application site, generally from the south-east have little fortuitous value other than the interest qualities of the open countryside in agricultural use. The fortuitous value of the application site is as part of general countryside, but this is not a heritage value'. I disagree with this. In my opinion the open nature of the site, historically undeveloped on both sides of Stockton Road, adds to the approach to and from the Conservation Area and is therefore part of its setting. The land falls within the rural sloping landscape setting and therefore contributes to safeguarding the appearance of Sadberge ridge village in the landscape.

The site is not totally screened by the existing hedge, which is denser and taller in some sections. The tree screening ends at the point where the linear gardens of Abbey Road reach the road boundary, and from this point a natural hedgerow is in situ. This would not screen the proposed two storey properties. Particularly as a large section of hedgerow is proposed to be removed to form a vehicular access / visibility splay.

The Heritage Statement considers several views towards the site and the potential impact of the development. View 2 assesses the view along Stockton Road 'to be part of the heritage of the site as one of the five main roads which lead towards Sadberge'. It goes on to say that 'in the past the land use on either side of the road would have been different and the road itself is not exactly on its earlier alignment'. I disagree with this. The alignment of Stockton Road is the historic route. The boundary of the site is evident in the earliest O/S plan 1856-1865, as is the field boundary of the application site also evident with a beck marking the north edge. The agricultural use is intact.

The Heritage Statement goes on to say that the application site is not visible in view 2 due to the hedge to the north east of Stockton Road being well established – average height in this view of around 3-4 metres – which gives this hedge an intact screening quality. The Heritage Statement states that no part of the land within the application site is visible from view 2.

However, whilst the hedge might screen the site at present from view 2, the side elevations of two of the proposed dwellings (plot 1 and 25) are very close to the hedge line of this historic route, as shown on the historic plans, and would introduce built development up to the site boundary. The existing hedge is not tall enough to screen the proposed housing development of 25 plots. The development in particular would impact on the views from the path on the east side of Stockton Road.

In addition, building houses on the slope would affect the views when approaching the Conservation Area, which would impact on the historic landscape character and aesthetic interest of Sadberge, an attractive ridge village set amongst agricultural land.

The Heritage Statement acknowledges a minor impact on this view but considers this could be mitigated so the view along the road would be unaffected.

The scale and massing of the dwellings compared to the plot sizes, 25 large detached dwellings in comparatively small plots, is such that a high-density development is proposed for this site. What is proposed is an intense development, on what is currently an open rural site. Several materials are proposed, some of which are not characteristic of Sadberge, and this contrast would make the development more

prominent in the open landscape (house type 4 and 5). This exacerbates to urbanising impact.

Summary

I agree with the Heritage Statement that the greatest fortuitous value is in the view northwards, out from the centre of Sadberge and the village greens and is concentrated at the core of the conservation area. In contrast, other parts of the conservation area do not have equal aesthetic value, either design or fortuitous. However, in my opinion, the setting and approach to the conservation area along Stockton Road does have some fortuitous aesthetic value.

Development on this site has the potential to cause harm to the setting of the heritage asset. Any new access proposed would impact on Stockton Road, one of the main access routes to and from the Conservation Area, by bringing a more urbanised feel to the existing lane with its hedgerows dotted with trees and agricultural land to the west which falls within the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 emphasises the value of Conservation Areas in built heritage planning. In relation to the duties and powers of the LPA, it provides that 'with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The Heritage Statement finds that the proposals would be acceptable in national and local policy terms, when considered with 'mitigation measures'. The proposed mitigation would take the form of maintaining and managing tree screening on the south west boundary next to the road and planting a new screening hedge to the east boundary.

I do not consider tree planting sufficient to mitigate the impact, due to the site gradient and quantum and scale of development proposed. The field is steeply sloping in a northerly direction away from Stockton Road as one of the key gateway approaches to the Conservation Area. I do not agree with the conclusion of the Heritage Statement that mitigation would ensure any impact of the views towards the Sadberge Conservation Area are minimal.

However, I do accept that the harm to the setting of the Conservation Area would be 'less than substantial' to the significance of a designated heritage asset. Therefore, in accordance with the NPPF any harm should be weighed against the public benefits of the proposed. In accordance with the NPPF, an appropriate level of public benefit must be secured to offset the (less than substantial) harm caused to the heritage asset (Sadberge Conservation Area).

Overall, having regard to the Conservation Officers response it is considered that the proposal would be harmful to the character and significance of Sadberge Conservation Area by developing a site which contributes to its setting. 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 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 contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy and the NPPF. The applicant has not submitted any information on how the benefits of the proposal may outweigh the harm caused. Officers do not believe that the harm to the Conservation Area is outweighed by the public benefits of the proposal such as the provision of affordable housing (which in this case at 10% also falls short of the requirements of the Planning Obligations SPD), the provision of a bus service contribution and support for local services.

In addition, 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 Revised Design of New Development SPD. The proposal is therefore considered to be contrary to Policy CS2 (Achieving High Quality, sustainable Design) of the Core Strategy.

Impact on non-designated Heritage Assets (Archaeology)

Paragraph 197 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be considered in the determination of planning applications. It goes on to state that in weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.

Paragraph 199 of the NPPF states that Local Planning Authorities should 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. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

A Geophysical Survey prepared by Archaeological Services Durham University (ASDU) was submitted in support of the application. The report shows some potential for archaeological features.

Durham County Archaeology Team has been consulted and has recommended that the site is evaluated by trial trenching and pre-determination to test and confirm the geophysical survey results, to be carried out in line with a Written Scheme of Investigation agreed with the Archaeology Team. The applicant has asked that this be dealt with by planning condition, should the application be approved, due to the Geophysical report assessing the risk of anything significant being discovered as very low, as has been the case on other sites.

Loss of agricultural land

Paragraph 170 of the NPPF states that local planning authorities should consider the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the

subject of this application is moderate in terms of its agricultural land quality due to its position and constraints. A recent appeal decision has determined that the development of less than 20 hectares of land, is not significant in the context of paragraph 170 of the NPPF. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

Highway and Sustainable Transport issues

A Highway and Transportation Report prepared by Alan Short Transport Consultancy (October 2018) was submitted in support of the application.

The Transport Statement refers to reducing the speed limit to 30mph however this has not been agreed following consultation with Durham Police who have confirmed that given the recorded 85th percentile speeds, and the layout not having an active frontage on Stockton Road, it is not considered that a 30mph speed limit would be appropriate or enforceable.

Consultation with Durham Police determined that a speed limit of 50mph was the lowest enforceable speed considered acceptable, and the visibility requirements for such a speed limit have now been demonstrated on plan. The 50mph zone should extend to a point 160m east of the access to fully include the proposed visibility splays. The existing 30mph zone at the village should remain unchanged, but on existing Sadberge, a new 5mph zone would extend for approximately 180m between the existing 30mph limit and the site access. The full extents of the visibility splays identify the full extents of vegetation clearance needed to achieve the minimum visibility required as well as visibility to the new 50mph speed limit signs. Full details of off-site highway works would be needed as part of a Section 278/38 agreement subject to planning approval being granted. The full details would need to include a footway fronting the site with pedestrian crossing facilities with tactile paving, resurfacing of the new junction in line with the Council's skid resistance policy and with full details of the proposed speed limit change signage and road markings.

The Highways Officer has indicated that the design does not comply with Appendix 5.5 in the Tees Valley Design Guidance for the category of access road (Local Access Road cat 4b) with centre line radii and stopping sight distances below requirements for adoptable criteria. The tight bend to the frontage of plot 22 is problematic as it falls short of forward visibility requirements and all land required for visibility must be included within adopted highway. The carriageway is also not to a recognised adoptable standard with a 90-degree corner service plots 3, 4 and 5.

Car parking numbers across the site generally accord with the Tees Valley Design Guidance for the type and size of dwellings proposed.

Some in curtilage parking spaces / driveways are below the minimum accepted standards and should be amended to be counted as parking provision. Driveways should be a minimum of 3 x 6m long from the rear of the adopted highway with tandem spaces being 3 x 12m. The maximum recommended width of a driveway access is 6m to match the width of a side by side driveway or double garage.

As a result, a request was made for the following:

- An increased radius to the carriageway and a design that rationalises the 90-degree bend demonstrating the required forward visibility;
- Amendments to parking spaces / driveways to ensure that they meet the minimum accepted standards.

The proposals have not been amended to accommodate the concerns raised, and the proposal cannot therefore currently be supported on highway grounds as several aspects of the internal layout fall short of accepted design standards. The proposal is considered to be contrary to the requirements of Policy CS2 (Achieving High Quality, Sustainable Design) and Policy CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network) of the Darlington Core Strategy (2011).

The Sustainable Transport Officer has been consulted and has indicated that Sadberge does not have appropriate public transport provision (daytime bus service, every 30 minutes or better, or a rail station within 2km). The development does have access to a subsidised bus service, although the closest bus stops are 520m away at Church View / Middleton Road (based on 80% or more of the site). This is outside of the Council's 400m policy. From these bus stops only Service 20 is available, running three journeys on a Monday only. This is a subsidised service with secured funding until 2019. Another development, recently granted planning permission (17/00358/FUL, Land off Middleton Road, Sadberge) is contributing to extend this bus service for another two years. The current three journeys on a Monday provide residents with access to key services and the long-term aspiration is to increase the number of days / frequency Service 20 runs. As such a sustainable transport contribution should be sought to extend / increase the frequency of Service 20. The service currently costs £15k per year and due to the location of the site and poor accessibility to public transport, in this instance, should planning permission be granted, a contribution for a period of 2 years would be recommended.

An existing footpath on the Stockton Road would link the site with the village and ensure a safe walking route to the nearest bus stops. The pedestrian link to the south of the site is also acceptable.

The site is on an advisory cycle route so given the national speed limit applies outside of the village, this would suit confident cyclists only. The advisory routes link to traffic free paths west to Darlington and east to Long Newton. There is no requirement from the Design Guide to provide cycle parking for private houses, however this would be encouraged for the benefit of the development and to encourage sustainable transport overall. As such, a planning condition would be recommended, should planning permission be granted, for submission and agreement of details of secure cycle parking for each dwelling.

Surface Water and Flood Risk

The proposed development is situated within Flood Zone 1. The Environment Agency's surface water flood maps highlight areas of the site as being at a low risk of surface water flooding.

A Flood Risk and Drainage Assessment undertaken by C.J Emm Limited (October 2018) was submitted in support of the application. This reviews available information to determine the sources of flooding that could affect the site and concludes that the proposed development is generally at low risk of flooding from all sources. A drainage strategy is presented showing how attenuation of runoff can be implemented to suit the constraints of the site and in line with a set of principles set out in the assessment.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs as Local Lead Flood Authority (LLFA), has assessed the level of information submitted with this application and considers that the applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development, and it is recommended that further details to secure a satisfactory solution, including compliance with the Flood Risk Assessment, and to include a management and maintenance plan, should be secured by planning conditions should planning permission be granted. Northumbrian Water was also consulted and raised no objections subject to a similar condition to deal with disposal of foul and surface water to prevent the risk of flooding from any sources.

Land contamination

A Phase 1 desktop study report prepared by Patrick Parsons (June 2018) was submitted with the application. The report identifies that the site does not have a history of industrial use and has historically been farmland. However, the pond feature in the southeast corner of the site has been significantly infilled with unknown materials (possibly a natural silting up process). The Council's Environmental Health Officer has been consulted and considers that given the sensitive end-use of the development it would be prudent to conduct a limited site investigation to confirm the results of the desk top study.

As such, it is recommended that should planning permission be granted, standard contamination conditions CL2-CL6 be attached to any approval. These deal with site investigation works, a remediation and verification strategy, Construction / remediation works and a Verification and Completion report.

Noise

Despite requests, a Noise Assessment and Acoustic Design Statement was not submitted alongside the application. This is required in order to show how the layout of the development has been designed to minimise the impact of noise on the dwellings. Advice from the Council's Environmental Health Officer was that it would be preferable if dwellings fronted onto Stockton Road rather than being orientated so that their back gardens ran parallel with the road, therefore exposing the future residents to more traffic road noise. This was not considered in the proposed site layout with the gardens of Plots 1 and 25 running parallel with Stockton Road. This section of Stockton Road is prior to the introduction of the 30mph speed limit through Sadberge village and vehicles could still be travelling at or near 60mph and therefore making a considerable noise as they pass these dwellings.

In the absence of a Noise Assessment and Acoustic Design Statement, the application has not demonstrated that the noise levels in the proposed garden areas closest to Stockton Road are within suitable criteria for outdoor recreational space; whether mitigation measures are needed to establish a suitable acoustic environment in all plots across the site; or, whether an alternative layout which maximises the separation distance between the road and the dwellings would be required. Without the required information, the Environmental Health Officer would be unable to support the application. The proposal is considered to be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy (2011) and paragraph 127 of the NPPF.

Design and Layout

As identified above in terms of the impact of the proposal on the Sadberge Conservation Area, the proposed design and layout is not considered to reflect or enhance the character of the local area. The proposal consists of a layout that is inward looking (onto internal cul-de-sac roads), and the design of the dwellings does not reflect or relate well to the character of the area. To amplify this, the house types used are those used for another application from the same applicant, on a site in Middleton St George, also outside of development limits(18/01108/FUL) submitted at the same time and therefore it is apparent that the particularities of the site and surrounding area have not been given due consideration in the design of the development with the use of standard, generic house types.

Overall, the proposal is contrary to Policy CS2 (Achieving High Quality, Sustainable Design) and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011).

Residential Amenity

The Council's Design of New Development SPD states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms. It also states that there should be 12.5m from elevations with habitable rooms facing blank elevations.

The proposed layout in terms of its relationship with existing dwellings is considered acceptable in the context of the above and raises no significant issues.

However, internally, the proposed layout falls short in several respects, particularly in terms of distances from elevations with habitable rooms facing other elevations with habitable rooms (as set out in the Design of New Development SPD) and it is considered that it therefore fails to provide a satisfactory level of amenity for the occupiers of the proposed scheme.

Overall, it is considered that the proposal would have an unacceptable impact on the residential amenities of future occupiers by reason of the scale and siting of the dwellings, contrary to the requirements of Policy CS2 (Achieving High Quality, Sustainable Design) and the Design of New Development SPD.

A Construction Management Plan was not submitted with the application, to detail how the developer proposes to minimise the disruption that building works will inevitably have on the existing residents. As such, should planning permission be granted, the Council's Environmental Health Officer and Highways Officer have recommended that a planning condition be attached to any approval securing submission, agreement and compliance with a Construction Management Plan.

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.

Saved Policy E21 (Wildlife Corridors) states that development which would materially harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes will not be permitted. It goes on to state that harm will be assessed according to the impact of development on the value of the feature in terms of its continuity and ecological structure and diversity; and that the landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

This is in general accord with paragraph 170 of the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply a number of principles, including ; a) if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort compensated for, then planning permission should be refused; b) development resulting in loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

A Preliminary Ecological Appraisal Report prepared by Penn Associates (June 2018) was submitted in support of the application. An extended Phase 1 habitat survey was undertaken with the aim of recording and mapping the type of semi-natural vegetation and wildlife habitat present. The site was confirmed as being primarily improved grassland, with a small pond towards its southern boundary, and hedgerows with trees. There was negligible roost potential for bats in the trees, but a high foraging and commuting risk on the site particularly along tree and hedge lines. There was a low risk of presence (foraging / breeding) with the site for Great Crested Newts. There was a confirmed presence of breeding birds (Linnet, Starling and Dunnock), a potential presence of invertebrates (Wall Butterfly record within 1km of the site) and small mammals (Hedgehog, Brown Hare and Harvest Mouse, all recorded locally).

The report considers that the most significant ecological impact identified is the loss of hedgerows along Stockton Road to enable site access to be constructed including sight lines for road vehicles. The hedgerows affected are confirmed to support breeding bird species (linnet) with the site providing associated feeding areas for these and other priority bird species (starling).

The report proposes biodiversity mitigation which it considers are broadly proportionate to the scale of impact predicted from the proposed development. These include protection of tree crowns and root zones in accordance with the British standard, retaining the existing point, retaining some existing habitats, planting locally appropriate trees, shrubs and herbaceous species in areas of communal greenspace, minimising hard surfacing and incorporating biodiversity design features into the new buildings. These are cited as a range of options only with no clear indication of which, if any, the applicant proposes. The report goes on to state that development of the site would result in a small but permanent net loss of green space which cannot be mitigated for and which could contribute to further declines in biodiversity in general. The report also recommends several habitat checking surveys which would be conditioned as a pre-commencement obligation.

The Council's Ecologist at the time was consulted and raised no objections at the time of consultation (December 2018) to the protected species surveys, subject to conditions requiring all of the mitigation options to be undertaken, and for the checking surveys (to include Habitat, breeding bird and Great Crested Newt and other amphibians).

Having regard to the contents of the report, and the comments from the Ecology Officer, it is considered that overall, the development will result in a net loss of biodiversity and does not strengthen ecological connectivity. The proposal does not demonstrate how this harm will be mitigated to provide and secure net gains for biodiversity for this site. Whilst it sets out several options for mitigation, it does not state which suite of measures would secure the net gain required or how the development as submitted, achieves the mitigation options listed. As a result, the proposal is contrary to Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy and paragraph 175 of the NPPF.

Trees

Saved 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 Tree Survey undertaken by AJT Environmental Consultants (August 2018) was submitted in support of the application. The report assesses the species and condition of all trees to inform the proposed development and to allow appropriate mitigation to be implemented where necessary. In total five trees within the site were surveyed, with 12 trees offsite adjacent to the northern boundary, and three field boundary hedgerows.

The trees within the site range from approximately 25 to 40 years old and reflect the stages of development that have taken place within the site. The trees are located on or adjacent to the field boundary to the south of the site. A row of trees flanks the northern boundary outwith the site, with a play area and public open space with a path to the east and range from 25 to 75 years old with some younger saplings present. Most trees are surveyed as being in poor condition either due to growing conditions or lack of management with many light drawn and asymmetrical canopies.

As a collective whole, the trees on the boundaries of the site are of moderate amenity value, due to their combined effect of size, useful life expectancy and some importance of position in the landscape as viewed from a public vantage point. Individually, many are of poor form, small with short safe useful life expectancy and of limited value in the landscape as viewed from a public vantage point. Three trees are assessed as unsuitable for retention due to their condition and safe useful life expectancy. A large section of hedgerow would also need to be removed to accommodate the proposed access.

Overall the report concludes that the proposed development would not have a detrimental impact upon the trees and hedgerows to be retained, if the recommended mitigation works are undertaken to protect the trees and hedgerows from potential damage or harm during construction and safeguard their future survival. The report goes on to detail a Tree Protection Plan. Subject to appropriate planning conditions to secure adequate protection, the proposal is acceptable in respect of its impact on trees.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

THE PUBLIC-SECTOR EQUALITY DUTY

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.

CONCLUSION

The application site is located outside of the development limits and is contrary to Policy E2 (Development Limits) and H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan. In addition, the proposed development is considered to have a harmful impact on the character and appearance of the adjacent Sadberge Conservation Area, and the design and layout fails to have regard to the surrounding area, such that it would have a harmful impact on the character of the local area. The proposal would have an adverse impact on residential amenity, fails to demonstrate a satisfactory acoustic environment, fails to meet accepted highway design standards or demonstrate how the internal network will operate satisfactorily for all vehicles entering the site contrary to the policies set out in the Local Plan and the NPPF. The proposed development will result in an overall net loss of biodiversity and does not strengthen biodiversity and fails to demonstrate how this harm can be mitigated to secure net gains for biodiversity. There are no other material planning considerations to indicate that planning permission should be granted contrary to the development plan.

RECOMMENDATION

THAT PLANNING PERMISSION BE **REFUSED** FOR THE FOLLOWING REASONS:

1. The application site is located outside of the development limits as identified in the Borough of Darlington Local Plan 1997. The development limits are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside. The proposal is therefore considered to be contrary to Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Darlington Core Strategy (2011), Saved Policy E2 (Development Limits) and Saved Policy H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan (1997).
2. The proposal would be harmful to the character and significance of the Sadberge Conservation Area by developing a site which contributes to its setting. 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 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 Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011) and Chapter 16 of the National Planning Policy Framework (2019). The Council does not believe that the harm to the Conservation Area is outweighed by the public benefits of the proposal.
3. 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 Revised Design of New Development Supplementary Planning Document (2011). The proposal will cause harm to the character and appearance of the area and is contrary to policy CS2 (Achieving High Quality, Sustainable Design) and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011), would not contribute to or enhance the natural and local

environment by recognising the intrinsic beauty of the countryside (paragraph 170 of the National Planning Policy Framework (2019)) and is contrary to chapter 12 of the National Planning Policy Framework (2019).

4. The proposed dwellings, by reason of their scale, and position in relation to each other would result in an adverse impact on the residential amenity of occupants of the proposed scheme and would therefore be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy (2011) and the Revised Design of New Development Supplementary Planning Document (2011) and paragraph 127 of the National Planning Policy Framework (2019).
5. The proposed access and internal highway layout fails to meet accepted design standards in respect of, car parking / driveways and carriageway geometry and the application does not demonstrate that the internal network will operate satisfactorily for all expected vehicles entering the development. The proposed development would thereby have an adverse impact on highway safety and would therefore be contrary to Policy CS2 (Achieving High Quality Sustainable Design) and CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network) of the Darlington Core Strategy (2011) and chapter 9 of the National Planning Policy Framework (2019).
6. The application has provided insufficient information to demonstrate that the noise levels in the proposed garden areas closest to Stockton Road are within suitable criteria for outdoor recreational space and whether mitigation measures are needed to establish a suitable acoustic environment in all plots across the site. The proposal is therefore contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy (2011) and paragraph 127 of the National Planning Policy Framework (2019)
7. The proposed development will result in an overall net loss of biodiversity and does not strengthen biodiversity and fails to demonstrate how this harm can be mitigated to secure net gains for biodiversity. The proposal is contrary to Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Darlington Core Strategy (2011) and paragraph 170 and 175 of the National Planning Policy Framework (2019).
8. In the Council's judgement, there are no other material considerations sufficient to indicate that planning permission should be granted contrary to the development plan.