



**FULL PLANNING APPLICATION FOR THE ERECTION OF 25 DWELLINGS
(INCLUDING 3 AFFORDABLE)**

Land north of Stockton Road, Sadberge

**Planning and Affordable Housing Statement
October 2018**

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1.0 INTRODUCTION

- 1.1 Big Tree Planning Ltd has been instructed by Enterpen Limited, SJS Potts Limited and Paul Vickers to submit a full planning application to Darlington Borough Council for the erection of 25 dwellings with associated access and landscaping (the 'Scheme') at land north of Stockton Road, Sadberge (the 'Site').
- 1.2 This Planning Statement is submitted alongside the planning application to assist the Council in assessing the key planning issues.

2.0 SITE AND SURROUNDINGS

- 2.1 The Site extends to approximately 1.31 Hectares in area and is used as low-grade agricultural land at present.
- 2.2 The Site has a children's play area to the north, existing residential development to the north and west (Abbey Road), agricultural land to the east and Stockton Road to the south.
- 2.3 The Site lies approximately 280m to the south east of the centre of Sadberge (i.e. the junction of Stockton Road and Darlington Road), which has a range of local shops and services available therein including public houses, local convenience shops, a pharmacy and a pre-school centre.
- 2.4 The Site lies approximately 4km to the east of Darlington and approximately 3km to the north of Middleton St George.
- 2.5 The A66 is within 280m of the Site, which provides easy and quick direct access in both directions to Darlington to the west and Stockton on Tees and Middlesbrough which are approximately 10km and 15km to the east respectively. Journey times to the centre of Stockton are approximately 10 minutes by car, and Middlesbrough approximately 15 minutes. This two-way access also makes the Site attractive to developers/housebuilders.
- 2.6 The nearest junction with the A1(M) is located approximately 10km to the north west.
- 2.7 Bus stops are available on Darlington Road and Middleton Road within 400m of the Site which provide direct services to Darlington.
- 2.8 Dinsdale railway station is located approximately 4km to the south of the Site in Middleton St George and provides regular direct services to Darlington, Saltburn and Bishop Auckland via the Northern Line.

- 2.9 It was previously thought there was a Northumbrian Water ('NWL') easement over part of the Site. However, it has been clarified with NWL that no such easement exists, and as such, there is no impediment to delivery.
- 2.10 However, the Applicant would be prepared to provide a 6m easement towards the southern part of the site, and this is shown on the indicative proposed site plan submitted in support of this enquiry. NWL has entered into a Deed of Grant to provide a new easement based on this development taking place.
- 2.11 In planning policy terms, the Site is adjacent to the Development Limits of Sadberge on the Borough of Darlington Local Plan (1997, 2001). Sadberge is identified as a 'Village' within the adopted Darlington Borough Core Strategy (2011).
- 2.12 The Site was given reference 312 within Darlington Borough Council's Housing and Employment Land Availability Assessment 2017 ('HELAA') (March 2018) and was assessed as a suitable, available and achievable housing site with an estimated yield of approximately 38 units within the 0-5 or 6-10 year brackets.

3.0 APPLICATION SCHEME

- 3.1 The Application Scheme includes the erection of 23 detached dwellings with associated access and landscaping as well as the provision of an on-site sustainable urban drainage ('SUDS') pond.
- 3.2 An affordable housing contribution of 10% is proposed, and this will be secured via a S106 Legal Agreement. Draft Heads of Terms for a S106 have been submitted in support of this application.
- 3.3 Financial contributions towards off-site open and play space and education will also be made (amount to be agreed) and secured via S106 Legal Agreement.
- 3.4 The proposed dwellings would all be 2 storeys in height and include a mixture of 3 and 4-bedroom properties. All would be provided with private rear gardens and front drives, with space for at least 2 in-curtilage parking spaces per dwelling and 7 visitor parking spaces throughout the Site.
- 3.5 Access will be taken from Stockton Road along the southern boundary of the Site, towards its western end. Visibility is adequate in both directions and the application is supported by a highway and transportation report.

3.6 The Scheme has been designed to consider surface and foul water drainage, with surface water draining via gravity to the SUDS pond towards the south east of the Site, and foul water pumped north via an on-site pumping station to be discharged to existing sewers.

3.7 In addition to this Planning Statement, the following documents have been submitted in support of this full planning application, as requested within the LPA's pre-app response:

- Arboricultural Survey;
- Archaeological and Geotechnical Report;
- Design and Access Statement;
- Draft Heads of Terms for a S106 Legal Agreement;
- Existing Site Plan;
- Extended Phase 1 Ecology Report;
- Flood Risk Assessment and Preliminary Drainage Design;
- Heritage Statement;
- Highway and Transportation Report;
- Planning and Affordable Housing Statement;
- Proposed Site Plan, Elevations and Floor Plans; and
- Site Location Plan.

4.0 NATIONAL PLANNING GUIDANCE

4.1 National Planning Guidance is contained within the National Planning Policy Framework ('NPPF'), which was published in July 2018. Those paragraphs most relevant to this Scheme are paraphrased below.

4.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development¹.

4.3 It indicates that sustainable development has three overarching objectives which are independent and need to be pursued in mutually supportive ways. It explains that the three objectives are economic; social and environmental².

¹ Paragraph 7

² Paragraph 8

- 4.4 It states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area³.
- 4.5 At the heart of the NPPF is a presumption in favour of sustainable development so that sustainable development is pursued in a positive way⁴.
- 4.6 For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where policies most important for determining an application are out of date, granting permission unless the policies within the NPPF provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole⁵.
- 4.7 The NPPF indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise, and that decisions on applications should be made as quickly as possible⁶.
- 4.8 It states that relevant policies in emerging plans may be given weight according to the stage or preparation of the emerging plan; the extent to which there are unresolved objections; and the degree of consistency of the relevant policies in the emerging plan to the NPPF⁷.
- 4.9 In relation to delivering a sufficient supply of homes, the NPPF indicates that the Government's objective is to significantly boost the supply of homes⁸.
- 4.10 The NPPF states that planning policies and decisions should expect at least 10% of homes within proposed major housing developments to be available for affordable home ownership⁹.
- 4.11 The NPPF makes it clear that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply should

³ Paragraph 9

⁴ Paragraph 10

⁵ Paragraph 11

⁶ Paragraph 47

⁷ Paragraph 48

⁸ Paragraph 59

⁹ Paragraph 64

include a buffer 20% where there has been significant under delivery of housing over the previous 3 years¹⁰.

4.12 Footnote 39 indicates that from November 2018, whether a local planning authority has suffered a significant under delivery of housing as mentioned in Paragraph 73c of the NPPF will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

4.13 The NPPF makes it clear that good design is a key aspect of sustainable development¹¹ and that development should function well and add to the overall quality of the area for the lifetime of the development. It states that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change¹².

4.14 The NPPF states that when considering the designation of conservation areas local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest¹³.

4.15 It states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting¹⁴.

4.16 The NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification¹⁵, but also that not all elements of a Conservation Area will necessarily contribute to its significance¹⁶

5.0 LOCAL PLANNING POLICY

5.1 The Development Plan relevant to the Site includes the 'saved' policies of the adopted Borough of Darlington Local Plan (1997) (the 'Local Plan') and those contained within the Darlington Borough Core Strategy Development Plan Document (2011) (the 'Core Strategy').

¹⁰ Paragraph 73

¹¹ Paragraph 124

¹² Paragraph 127

¹³ Paragraph 187

¹⁴ Paragraph 189

¹⁵ Paragraph 194

¹⁶ Paragraph 201

5.2 In addition to the Development Plan, the LPA has begun work on its replacement New Local Plan. However, as that document is in its very early stages of preparation no significant weight can be given to its policies, in accordance with Paragraph 48 of the NPPF.

Local Plan

5.3 Those policies of the Local Plan that have been saved for continued use beyond 2007 and were not replaced on the adoption of the Core Strategy are considered below.

5.4 The Proposals Map shows the Site outside of but adjacent to the Development Limits of Sadberge, which is identified as a 'Village' within the Local Plan.

5.5 **Policy E2** states that most new development will for the plan period be located inside the development limits defined on the proposals map.

5.6 **Policy E7** identifies the circumstances in which residential development may be permitted where it is beyond the development limits identified by Policy E2 via the Proposals Map.

Core Strategy

5.7 The Core Strategy was adopted in May 2011 and sets out the overarching way in which the Borough will develop up to 2026. Like the Local Plan, due weight should be given to its policies according to their degree of consistency with the NPPF. Those policies most relevant to the Scheme are included below.

5.8 **Key Diagram** – This indicates that Sadberge is an identified 'Village' as designated by Policy CS1.

5.9 **Policy CS1: Darlington's Sub-Regional Role and Locational Strategy** – states that new development in the Borough will be concentrated on sustainable locations within the main urban area but that new housing development elsewhere will be in accordance with the priorities and phasing identified in Policy CS10. It states that within the limits to development of the Borough's villages, development that supports the vitality and viability of the village, its services or the rural economy will be supported. It goes on to indicate that 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.

- 5.10 It should be noted that the Core Strategy and its Key Diagram do not define limits to development.
- 5.11 **Policy CS10: New Housing Development** – Seeks provision of about 350 average annual net additions to the dwelling stock between 2011 and 2021. The Policy makes an allowance for windfall housing development at the urban fringe and then within or adjacent to the larger villages where 80% or less of the average annual net additions to existing stock required is achieved. This is on the basis that early delivery of such development is secured by planning conditions and/or such other arrangements as may be agreed with the applicants. The policy also indicates that the average housing density on new developments will be expected to achieve 30-50 dwellings per hectare.
- 5.12 **Policy CS11: Meeting Housing Needs** – Requires developers to achieve an appropriate mix of housing on new residential sites, including up to 30% affordable housing, housing for people with disabilities, housing for older people and detached family housing containing four or more bedrooms in all appropriate locations.
- 5.13 The accompanying text of Policy CS11 states that *“the Council wants to encourage new housing development wherever possible, so the viability of schemes is a key consideration.”* This accepts that the provision of affordable housing and other financial contributions are subject to viability.
- 5.14 The more recently adopted **Planning Obligations SPD** (December 2013) draws on detailed viability assessment studies from its preparation. The SPD revises the Core Strategy target of up to 30% affordable housing to up to 20%, to include 90% social rented and 10% intermediate housing units, but makes it clear that this figure is subject to viability testing.

7.0 STATUS OF THE DEVELOPMENT PLAN AND SUSTAINABILITY

Weight of Relevant Development Plan Policies

- 7.1 Paragraph 213 of the NPPF makes it clear that existing policies adopted before the publication of the NPPF should be given due weight according to their degree of consistency with the NPPF.
- 7.2 The Site is located outside development limits as defined within the Local Plan via Policy E2 and the Proposals Map. The 1997 Local Plan remains the only statutory document that defines such limits.

- 7.3 Policy E2 of the Local Plan was adopted to restrict development over that plan's period, which expired in 2006.
- 7.4 The limits to development within the Local Plan were defined over 21 years ago to accommodate housing development up to 2006. They have not been subsequently reviewed and there is no expectation that these development limits should remain in perpetuity beyond that date. As such, the policy is out of date.
- 7.5 The introduction of the first NPPF in 2012 resulted in a significant and material shift in planning policy, advising local planning authorities to boost significantly their supply of housing, which Policy E2 specifically restricted. This is an approach that has been reiterated in the 2018 version of the NPPF which reconfirms the Government's objective of significantly boosting the supply of homes.
- 7.6 As Policy E2 is not consistent with the NPPF's requirement to 'boost significantly' the supply of housing it should be afforded no weight.
- 7.7 Similarly, Local Plan Policy E7 is also a policy of housing restraint much like Policy E2, and for the same reasons is considered inconsistent with the NPPF.
- 7.8 The Core Strategy's Policies CS1 and CS10 together seek to define the LPA's locational and quantitative requirement for new housing across the Borough.
- 7.9 Policy CS1's accompanying text at Paragraph 3.1.14 explains that development limits will be reviewed within the Making Places and Accommodating Growth Development Plan Document to accommodate the aspirations of the Policy. However, that document (later renamed 'Making and Growing Places DPD') was abandoned in April 2016.
- 7.10 Overall, it is considered that development limits identified within the Local Plan are wholly outdated in principle and should carry no weight.
- 7.11 Policy CS10 states that provision will be made for average annual net additions to the dwelling stock of about 350 between 2011 and 2021. This does not represent an up-to-date local requirement for housing delivery, as the Core Strategy was adopted before the 2012 NPPF at a time when housing figures were provided within the now abolished Regional Spatial Strategy which did not share the 2012 or 2018 NPPFs' aspirations of boosting significantly the supply of housing.

- 7.12 The 2018 NPPF indicates that LPAs should use local housing needs assessments where strategic policies are more than 5 years old, as is the case in Darlington. Thus, Policy CS10's dwelling requirement is not up-to-date and should be given no weight.
- 7.13 Policy CS10 does envisage development adjacent to the Larger Villages in circumstances where the development strategy is delivering 80% or less of the average proposed net additions to the existing stock. Whilst specific reference is to development adjacent to Larger Villages, it nevertheless recognises the NPPF's approach of maintaining a sufficient supply of homes and demonstrates the need to look at alternative locations for housing development in times when there has been an undersupply of homes.
- 7.14 As considered in more detail below, the LPA's more up-to-date Five-Year Housing Land Supply Position Statement (the 'Statement'), published in August 2018, demonstrates an annual requirement of 554 dwellings when the necessary 20% buffer is incorporated, although it must be noted that this was not prepared in consultation with developers and others who have an impact on delivery, and as such does not fulfil the NPPF's definition of an 'Annual Position Statement' as set out at Annex 2.
- 7.15 From email correspondence with the LPA, over the last 3 years the LPA has identified a total of 949 net housing completions (303 in 2015/16, 163 in 2016/17 and 483 in 2017/18).
- 7.16 From pre-application discussions it is understood that the completion figure for 2017/18 is based on a revised methodology for determining completions that does not rely on building control completion certificates or any other objective analysis but rather relies upon Council officers visiting development sites and subjectively determining from an external vantage point whether a house appears habitable. This is an approach not used elsewhere as it does not guarantee that dwellings are completed from a developer's or occupant's perspective and is very likely to create an inaccurate picture of actual completions.
- 7.17 Even using the LPA's claimed 2017/18 figure, completions represent delivery of approximately 57% of the housing requirement over the last 3 years when a 20% buffer is applied. From annual monitoring report figures the LPA has failed to meet its housing delivery target since 2007/2008 period.
- 7.18 Footnote 7 associated with Paragraph 11 of the NPPF makes it clear that a development plan will be considered out of date where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer as set out in Paragraph 73); OR where the Housing Delivery Test indicates that the delivery of housing was less than 75% the

housing requirement over the previous 3 years (although this second test does not come into force until the first Housing Delivery Test figures are released in November 2018).

- 7.19 Based on completion figures provided by the LPA, it is considered highly likely that the first Housing Delivery Test will be failed when results are released in November 2018 due to insufficient delivery of housing over the previous 3 years.
- 7.20 The Statement also provides the LPA's 5-year land supply trajectory and a list of specific sites it considers to be deliverable within the next 5 years.
- 7.21 Annex 2 of the NPPF defines 'deliverable' in the context of Paragraph 67. It states that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years.
- 7.22 Annex 2 goes on to advise that sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.
- 7.23 Of the 45 sites listed within the Statement, with a suggested combined yield of 3,442 dwellings within years 1-5, only 18 are considered deliverable in the context of the NPPF definition, providing 987 units.
- 7.24 The Statement's supply includes 4 sites that only have outline permission (265 units). 10 sites are pending decision or are 'minded to grant' but have not yet agreed a S106 Agreement (697 units), with 6 of those sites waiting for outline permission only to be granted.
- 7.25 By including sites which are the subject of current undetermined planning applications in their 5-year supply, not only are the LPA not meeting the definition of 'deliverable' as set-out within the NPPF, but they are also pre-judging undetermined planning applications, subverting due-process and removing the decision from the elected Members of the Planning Committee.
- 7.26 The remaining sites (655 units) are potential allocations within the emerging Local Plan which has only just gone through its first stage of consultation.

7.27 As such, the LPA can demonstrate a deliverable¹⁷ supply of only 987 units compared to an identified five-year requirement (including 20% buffer) of 2,770. This equates to a 5-year supply of approximately 36%.

7.28 Whilst it is contested that most of the sites relied upon by the LPA within the Statement can be considered 'deliverable' as explained above, all sites within the Statement have been considered in detail.

7.29 Most sites contained within the Statement are simply not likely to contribute towards supply in this 5-year period at the rate suggested if at all for many reasons, including:

- Too many units in one location in a short space of time (e.g. Oak Tree/South Coniscliffe Park/Coniscliffe Park North);
- Land assembly issues (e.g. Skerningham);
- Land ownership issues/aspirations (e.g. Blackwell Grange East – profitable hotel site);
- Sites contrary to recently adopted Neighbourhood Plans (e.g. Coniscliffe Park);
- Site repeated from previous land supplies which are not deliverable due to market area/abnormal costs/technical issues (e.g. Cattle Mart/Mowden Hall); and
- Date from which sites begin contributing to supply too ambitious (e.g. Elm Tree Farm/Alderman Leach).

7.30 Simply put, the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer as set out in Paragraph 73); AND are very likely to fail the Housing Delivery Test when figures are released in November 2018.

7.31 The NPPF advises that in circumstances where an LPA cannot demonstrate a 5-year supply of deliverable housing sites, OR where they fail the Housing Delivery Test (from November 2018), relevant development plan policies for the delivery of housing must be considered out of date. There is no question this is the case in the Borough of Darlington.

7.32 As such, Local Plan Policies E2 and H7 and Core Strategy Policies CS1 and CS10, in as much as they prevent development adjacent to the existing settlements, must be considered out of date.

7.33 Paragraph 11 of the NPPF says that where relevant development plan policies are out of date, planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed

¹⁷ Using the NPPF's definition at Annex 2

against the policies in the NPPF taken as a whole or the application of specific policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

7.34 As explored in detail above, the development plan policies regulating the supply and location of housing within the Borough of Darlington are time expired and/or out of date, and as such Paragraph 11 of the NPPF is engaged in the context of this application.

Sustainability

7.35 The LPA's relevant development plan policies for the delivery of housing must be considered out of date and Paragraph 11 of the NPPF is therefore engaged.

7.36 As such, the Scheme should be considered in the context of a presumption in favour of sustainable development.

7.37 Paragraph 8 of the NPPF explains that the planning system has three overarching objectives to achieving sustainable development and that these objectives are independent but need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

7.38 The three objectives are economic, social and environmental. The Scheme's contribution towards each of these dimensions will be explored below.

Economic Sustainability

7.39 Paragraph 80 of the NPPF indicates that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity.

7.40 The economic objective of sustainability includes the need to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places at the right time to support growth.

7.41 In areas of significant and sustained under-delivery of housing such as the Borough of Darlington one of the most important areas for growth is housing.

- 7.42 The Site is available, and this application is submitted jointly in the name of a well-established developer who has an interest in the Site and wishes to commence development as soon as practically possible.
- 7.43 A suitably-worded condition attached to any future permission could ensure that development is implemented in a timely manner, as advocated by Paragraph 76 of the NPPF, and therefore the Site could begin making a positive contribution to the need to boost the supply of housing in the immediate-term.
- 7.44 The LPA has significantly and persistently failed to meet its housing requirement for several years and currently has a significant undersupply of deliverable¹⁸ housing land to meet its 5-year supply (to 2023).
- 7.45 The Scheme will deliver a range of housing, making a meaningful contribution towards the Council's housing requirement. A 10% affordable housing contribution will be secured via S106 Legal Agreement, draft Heads of Terms for which have been submitted in support of this Application.
- 7.46 The delivery of new homes will result in further inward investment and job creation by increasing the population of the area.
- 7.47 The Site is located approximately 280m from the centre of Sadberge, where there exists some local shopping and community facilities, and is easily accessible by walking using the existing adopted footpath which runs along the Site's southern boundary.
- 7.48 Additional population residing in the proposed dwellings would generate more expenditure to support local businesses and facilities, as well as supporting services in other nearby settlements, many of which are accessible by regular bus services or by cycling.
- 7.49 In the short-term, there would be benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period.
- 7.50 The development will maintain and create direct and indirect construction-related jobs across the supply chain and the Scheme would increase Council Tax receipts paid to the Council, including the uplift derived from the New Homes Bonus.
- 7.51 Overall, the Scheme would result in modest economic benefits and would contribute towards the economic objective of sustainability.

¹⁸ Using the definition at Annex 2 of NPPF

Social Sustainability

- 7.52 The planning system's social objective as explained in Paragraph 8 of the NPPF includes supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- 7.53 It also explains that the social objective seeks well-designed and safe built environments with accessible services and open space that reflect current and future needs to support communities' health, social and cultural well-being.
- 7.54 As explored in more detail above, there is a significant shortfall in the Council's housing land supply the current 5-year period, and there has been a significant and persistent under-supply of housing delivery in recent years.
- 7.55 As such, the social role explained in the NPPF is not being maintained by the Council in this regard.
- 7.56 The Scheme comprises a total of 23 dwellings and will make an affordable housing contribution of 10%, secured by S106 Legal Agreement.
- 7.57 The NPPF indicates that planning policies should expect at least 10% of homes to be available for affordable home ownership, so the Scheme provides for the amount advocated in newly-published national guidance.
- 7.58 The Scheme comprises a variety of house types and sizes, with a mixture of 3 and 4-bedroom detached properties.
- 7.59 The Site's northern boundary is shared with a public play area and open space which adjoins the site and is currently not well used to the local demographic.
- 7.60 Financial contributions towards open space and play provision will be provided as part of the Scheme and secured vis S106 Legal Agreement. These contributions could be used to improve the adjacent open space and play area to the benefit of existing and future residents.
- 7.61 In addition to off-site contributions, the Scheme incorporates significant areas of public open space, including a SUDS pond to the south-east corner which would also provide ecological improvement to the site and wider locality.

- 7.62 The Scheme has been designed to incorporate new landscaping and planting, particularly along the Site's eastern boundary to the benefit of future residents of the scheme and improve the visual amenity of the area.
- 7.63 The NPPF at Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. It confirms that great weight should be given to the need to create, expand or alter schools through decisions on applications.
- 7.64 There are several primary schools within reasonable proximity of the Site, for instance St Marys Primary School in Long Newton (3.4km) and Red Hall Primary School in Darlington (3.5km).
- 7.65 The Draft Heads of Terms for a Section 106 Legal Agreement confirms that the Applicant would provide funding to contribute to nearby schools.
- 7.66 These aspects of the scheme would not only serve new residents but would also improve facilities for the benefit of existing residents.
- 7.67 Overall, the Scheme would deliver a high-quality residential development which responds to the latent characteristics of the Site whilst providing a wide variety of much-needed housing to reflect local needs having regard to the Council's housing supply requirements.
- 7.68 As such, the Scheme would make a positive contribution to achieving the social objective of sustainability.

Environmental Sustainability

- 7.69 Paragraph 8 of the NPPF indicates that the environmental objective of the planning system includes the protection and enhancement of the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, mitigate and adapt to climate change and moving towards a low-carbon economy.
- 7.70 As explored in more detail above, the Council cannot identify sufficient land to meet their housing requirements over the next 5-year period and have recorded a significant and persistent under-supply of housing in recent years. As such, sites that have previously been unidentified need to come forward to fill the gap that is clearly present.
- 7.71 This approach is advocated within Paragraph 6.1.12 of the Core Strategy, which states that "*if planning permissions are not implemented as anticipated, then to maintain housing delivery,*

additional housing land will be brought forward for development earlier, in accordance with a sequential approach; housing in the next most sustainable and deliverable strategic locations will be identified first, and housing in other locations will only be permitted if it would be more sustainable than the next sequential location. Exceptionally, where even this bringing forward of strategic phasing does not sustain housing delivery, planning permission may be granted for modest numbers of new dwellings at the urban fringe or within or adjacent to the larger villages to seek to ensure that housing delivery is brought back up to the appropriate level in the short term.”

- 7.72 As explored in more detail above, all development plan policies which relate to the supply of housing are out-of-date under the provisions of Paragraph 11 and its footnote 7.
- 7.73 It is considered that in such circumstances, there is an exceptional need for housing delivery across the Borough.
- 7.74 Whilst the Site is shown on being outside the Development Limits on the 1997 Local Plan Proposals Map, it has been shown above that those limits and all relevant locational housing delivery policies within the development plan are truly outdated.
- 7.75 The Site lies approximately 280m to the south east of the centre of Sadberge, which has a range of local shops and services available therein including public houses, local convenience shops, a pharmacy and a pre-school. IT is approximately 4km to the east of Darlington and approximately 3km to the north of Middleton St George, both of which contain a wide range of services and facilities.
- 7.76 The A66 is within 280m of the Site, which provides easy and quick direct access to Darlington to the west and Stockton on Tees and Middlesbrough which are approximately 10km and 15km to the east respectively. Journey times to the centre of Stockton are approximately 10 minutes by car, and Middlesbrough approximately 15 minutes. This two-way access also makes the Site attractive to developers/housebuilders.
- 7.77 Bus stops are available on Darlington Road and Middleton Road within 400m of the Site which provide direct services to Darlington.
- 7.78 Dinsdale railway station is located approximately 4km to the south of the Site and is easily accessible by cycle and provides secure cycle parking. This station provides regular direct services to Darlington, Middlesbrough, Redcar, Saltburn and Bishop Auckland via the Northern Line.

- 7.79 A Heritage Statement has been produced to support this Application as requested by the LPA in pre-application discussions as the Site is approximately 70m to the east of the Sadberge Conservation Area at their closest points.
- 7.80 The Heritage Statement has been prepared by a well-respected heritage expert and concludes that the Application Scheme would be acceptable from a heritage perspective when taking account of national and local policy.
- 7.81 The Heritage Statement concludes that there would be no identifiable harm to the Sadberge Conservation Area or any other identified heritage assets in the vicinity of the Application Site.
- 7.82 Other separate documents submitted in support of this application look at detailed issues such as transport, ecology and trees. None conclude that any negative impacts of the Scheme would be so significant or demonstrable as to warrant the refusal of permission when the scheme contributes to the other aspects of the environmental sustainability objectives and makes a positive contribution to the economic and social objectives of sustainability.

8.0 OTHER MATERIAL CONSIDERATIONS

Housing and Employment Land Availability Assessment

- 8.1 The Council's Housing and Employment Land Availability Assessment ('HELAA') was published in March 2018 and assesses the suitability, availability and achievability of sites in the Borough to be considered for allocation in the emerging Local Plan (2016-36).
- 8.2 The HELAA was published after receipt of the LPA's pre-application response dated 22nd January 2018.
- 8.3 The HELAA replaces the Strategic Housing Land Availability Assessment ('SHLAA') and includes employment sites alongside housing sites. All sites that were considered as part of the previous SHLAA (2015) were retained and carried forward into the HELAA to be considered in an up to date context.
- 8.4 The assessment of 194 sites submitted by landowners and developers were taken through a mandatory technical assessment which identifies sites on the basis of Suitability, Availability and Achievability.

- 8.5 The Site was considered as part of the HELAA process and given site reference 312. The Site is assessed as being suitable, available and achievable within the HELAA and therefore forms one of the overall suitable housing sites.
- 8.6 The HELAA indicates that the Site would be suitable for a scheme of approximately 38 dwellings. The Scheme is for 25 dwellings (including 3 affordable), as part of the Site is taken up by a SUDS pond and NWL easement which will also act as an area of public open space.
- 8.7 The Site's inclusion as a suitable site within the HELAA confirms the LPA's agreement that it is suitable for the delivery of housing in principle.

Affordable Housing

- 8.8 The Draft Heads of Terms for a Section 106 Legal Agreement confirms provision of an affordable housing financial contribution equivalent to 3 dwellings (11.5%).
- 8.9 The contribution will provide for any type of affordable housing required by the Council and based on an up-to-date housing needs assessment. It will enable the provision of affordable housing off-site which will follow the definitions provided at Annex 2 of the NPPF and contribution of 11.5% is above the provision advocated at Paragraph 64 of the NPPF.

Primary School Provision

- 8.10 The Draft Heads of Terms for a Section 106 Legal Agreement submitted separately in support of this application confirms that the Applicant would provide funding to contribute to nearby primary schools. The amount of contribution will be discussed and agreed with the LPA throughout the determination period.

Other Issues

- 8.11 In addition to the issues dealt with above, a range of supporting information has been submitted in support of this planning application relating to other technical issues.
- 8.12 Information submitted includes; a Highway and Transportation Report; a Flood Risk and Drainage Assessment; a Tree Survey, Impact Assessment and Management Plan; an Archaeological Report; a Land Condition Report; and a Design and Access Statement.
- 8.13 None of the supporting information identifies any impacts of the development that would be so significant or demonstrable as to warrant the refusal of permission.

9.0 CONCLUSIONS

- 9.1 On balance, the Scheme represents sustainable development within the overall meaning of the NPPF.
- 9.2 In addition to having housing policies that are now out of date, Darlington cannot demonstrate that it has a five-year supply of housing land and the NPPF urges every effort to boost the supply of housing.
- 9.3 The LPA has no site allocations plan and in its absence the market has been unable to bring sufficient land forward to meet the need within or on the edge of the Urban Area.
- 9.4 When the NPPF's 20% buffer is applied, housing delivery has been below 60% during the last 3 years and the LPA has failed to meet its housing delivery target since 2007/2008 period.
- 9.5 The most up-to-date 5-year housing land supply relies heavily on sites which do not have full planning permission or clear evidence that completions will begin within 5 years. As such there is no evidence to suggest the shortfall over recent years could be delivered on the Urban Fringe or within or adjacent to the defined limits of one of the Larger Villages in the short term.
- 9.6 As discussed above, the Application Scheme represents sustainable development, and in the current housing climate in Darlington the proposal is therefore supported in principle.
- 9.7 No impacts of the Scheme are so significant or demonstrable that they outweigh the benefits provided for the supply of housing, the presumption in favour of sustainable development set out in the NPPF and other material considerations in favour of the Scheme discussed above.
- 9.8 As such, planning permission should be granted in-line with Paragraph 11 of the NPPF.