



Middleton St George Parish Council

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5, Whitebridge Drive,
Whinfield Park,
Darlington,
DL1 3TY

21st May, 2018.

Lisa Hutchinson – Planning Case Officer
Planning Department
The Town Hall
Darlington
DL1 5QT

Dear Lisa,

Re: 18/00275/OUT

Land off Neasham Road, Middleton St George – Outline application for the erection of up to 280 dwellings, 60 bed care home (Use Class C2) with community park and public open space, landscaping and sustainable drainage system. All matters reserved except for 2 means of access points to be provided from Neasham Road.

OBJECTION

We have the grave concerns regarding this application, and highlight the following material planning grounds.

Firstly, we fully agree with the response by CPRE to this application, as follows:

- *The site notice sets out that:*
 - o *The proposed development conflicts with the provisions of the Approved Development Plan.*
 - o *The premises lie within an area designated as the Middleton-One-Row Conservation Area.*
 - o *In the opinion of Darlington Borough Council, as the Local Planning Authority, the said development would affect the character and appearance of the above Conservation Area.*

Note: the premises do not lie within the Middleton-One-Row Conservation Area, but the eastern boundary of the site is contiguous with the boundary of the Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990, is the Act of Parliament in the United Kingdom that altered the laws on the granting of planning permission relating to Listed Buildings and Conservation Areas.

Section 72 (1) of The Act is as follows:

'In the exercise, with respect to any buildings or other land in a General duty as conservation area, of any powers under any of the provisions mentioned respects in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.'

The applicant's Landscape Assessment at 6.10 dismisses the effects on the Conservation Area as negligible due to its siting next to recently consented development. However, it is generally accepted that conservation areas do have a setting, and it is clear that this proposal would be within the setting of the conservation area and would have a significant adverse impact on that setting.

On this basis alone the application should be refused.

- *The site was identified in the Housing and Employment Land Availability Assessment (HELAA) as site numbers 373 and 388 and both sites were assessed as being unsuitable for development.*

- o *Appendix 5 of the HELAA states that for site number 373 the constraints which led to the site being unsuitable were:*

- o *'Potential for GCN, ROW, Roman road potentially runs through the site - further work required, Area of Special Archaeological Interest, adjacent to Middleton One Row Conservation Area, Development Limits.'*

- o *Appendix 5 of the HELAA states that for site number 388 the constraints which led to the site being unsuitable were:*

- o *'Area of Archaeological Interest, ROW, adjacent to Conservation Area, Development Limits.'*

- *The site lies outside of the development boundary and therefore conflicts with Local Plan Policy E2 (Development Limits). Policy E2 clearly sets out the intention of maintaining these well-defined development boundaries and safeguarding the character and appearance of the countryside.*

- *The proposal is also contrary to Local Plan Policy H7 (Areas of Housing Development Restraint). It is noted that the supporting text to Policy H7 states that:*

'Strict control of development outside the development limits identified on the Proposals Map (Policy E2) is essential to safeguard the character of the countryside and the villages, to make best use of existing infrastructure and community provision, and to minimise essential travel requirements.'

- *The proposal is also contrary to Core Strategy Policy CS1 which states inter alia 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, particularly in the larger villages of Hurworth/Hurworth Place, Middleton St. George and Heighington. 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.'

This proposal is outside of the development boundary of Middleton St George and does not meet any identified rural needs.

- *The proposal is contrary to Core Strategy Policy CS2 which sets out inter alia that:*

'All development proposals should... reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place.'

This proposal will not positively contribute to the character of the local area and to its sense of place. It will have an adverse effect on Darlington's historic characteristics due to its adverse effects on the Conservation Area.

- *It is also contrary to Core Strategy Policy CS14 which aims to promote local character and distinctiveness. CS14 sets out that:*

'The distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by... Protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and between the main urban area's different neighbourhoods'

- *This proposal clearly conflicts with the development plan and according to Paragraph 12 of the NPPF it should therefore be refused.*

'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

Case law (East Staffordshire District Council v Secretary of State for Communities and Local Government [2016] EWHC 2973 (Admin).) has established that:

'If the proposed development conflicts with the Local Plan, the presumption in favour of sustainable development has been rebutted. The decision maker's starting point should be that the proposal should be refused [NPPF paras 12 and 14].

This reverse presumption, 'it should be refused', does not mean that the decision maker has no discretion outside para 14 NPPF. It does mean, however, that the starting point for the exercise of the discretion is adverse to a grant of permission. An exercise of that discretion in favour of an approval in spite of a conflict with the Local Plan must be exceptional.' (Our emphasis)

As previously stated, this proposal conflicts with a number of Development Plan policies, and thus it cannot be considered to be sustainable development. This means that the decision maker's initial stance must be adverse to the grant of permission. There are no substantial and demonstrable benefits which outweigh this adverse starting point.

On all the above points, we are in agreement with CPRE's response to this application.

Access, Traffic Congestion, Safety Issues and Cumulative Impact

MSG Parish Council concur with and can confirm the points made in Paragraph 2 of Neasham Parish Council's response to this application.

In addition to these points, we would draw your attention to the cumulative impact of the extra traffic generated by the developments already granted permission in Middleton St George. Whichever direction the traffic will proceed from and to this proposed development, congestion and increased safety hazards will ensue. Neasham Parish Council has already highlighted the problems westwards along Neasham Road. Eastwards, traffic will add to the gridlocks, congestion and safety hazards in the centre of the village along Middleton Lane, the railway bridge, where the road becomes narrow, and the small centre of the village

(The Square), and Station Road and Yarm Road to the A67. Permission has been granted for 198 houses behind Grendon Gardens and High Stell (for which ingress and egress would only be to Station Road), as well as for two developments along the narrow Yarm Road (totalling 55 houses and a convenience store), even with the proposed road modifications and traffic calming measures, with its terraced houses and on-street parking, which would add to the utter chaos and threaten the safety of pedestrians including schoolchildren.

The issue of the road bend at Neasham Road has been highlighted by MSG Parish Council many times on previous occasions. The current situation, in addition to the dangers of the extra traffic generation, is that immediately to the east and north of the proposed development there are existing hazards; permission was granted for six bungalows (with access directly onto the dangerous bend), followed by the access to Westacres on the right, followed by Pountey's Close and Thorntree Gardens on the left, and then turning right from there we immediately have St George's Academy Primary School, before Neasham Road meets Middleton Lane. We have stated repeatedly that this is already a hazardous situation. Multiple school buses travel along this route to and from Hurworth School, there are school drop-offs and pick-ups to St George's Academy (although many parents do walk their children to and from school, many use their cars out of necessity). To add one or more accesses for the proposed new development would raise the hazard to an unacceptable level, since the traffic generated from 280 houses would be at least double. Vehicle movements are calculated at 4 movements per day per house, which would mean 1,120 journeys per day just from the houses, without taking into consideration the 60-bed care home. Even if you add to this those from the 198 houses at High Stell/Grendon Gardens (792 movements per day) it would come to 1,912 movements per day. Add to this the movements from the Yarm Road developments and the existing traffic, the cumulative effects would be extremely detrimental. The Applicant has failed to take all these material points into consideration.

The Sustainable Transport Officer Response (10/05/2018) clearly states that the proposed development is not sustainable. The SPD states that 80% of a site should be within 400m walking distance of a bus stop. This site would be 900m distance to the nearest (Dinsdale Rail Station stop). The rail station, therefore, is also 900m away. The Officer also highlights the poor bus service.

Services and Facilities

MSG Parish Council concurs with Neasham Parish Council in its statement that *no quantitative assessment has been conducted to assess the sustainability of services and facilities and their resilience when aggregated with current and approved developments.*

MSG Parish Council has highlighted repeatedly the fact that the primary school is now at full capacity, and that Darlington Borough Council's own information states that the recent expansion was to take account only of 4 developments (Sadberge Road, High Stell/Grendon Gardens, and the two at the airport). It must be remembered that, even though in pending applications, there may be site provision for schools, until there is a guarantee of funding from an education provider, these are not definite and so cannot be relied upon.

With regard to drainage and sewerage, MSG Parish Council has raised repeatedly the fact that the drainage system in the village is Victorian, with existing residents experiencing recurring problems of sewage coming up in their own properties. If the proposal is to connect to the existing public mains system, this will seriously overwhelm the system as it will not be able to cope, with the added impact on the existing residents of Middleton St George.

The doctor's surgery, as has been mentioned in responses to previous applications, has been relocated, and is not within walking distance of the proposed development. Neither is there an adequate bus service to the new location. The Applicant's comments to concerns in response to the community consultation does not address these issues.

Impact on Heritage and Landscape

As has been mentioned above, this development must be considered in the context of the Conservation Area, both in its siting and its setting (ref. legal and policy framework, cited above). We fully support the response of the Historic Assets Officer (03/05/2018), all of whose points are extremely important and relevant with regard to the consideration of this application.

Once again, a development is being proposed along the Roman Road (Cade's Road). The Parish Council and residents are extremely concerned about this. The Archaeological Officer recommends that "a geophysical survey should be tested and confirmed by trial-trenching"(01/05/2018).

Public Rights of Way (PROW)

We are also very concerned about the effects of development on PROW in the village. Although there may be no requirement to divert or extinguish the existing PROW on the application site, residents will be impacted by any proposed alteration to these existing PROW, and their views must be taken into account.

Community Consultation

MSG Parish Council and the residents of Middleton St George have not had chance to engage in any proper community consultation regarding this application, due to the short time period between receipt of the community consultation invitation letter and the submission of the application. It will be appreciated that, since the Parish Council and the residents of the village have had to deal with the Reserved Matters Application for High Stell (culminating in consideration by DBC Planning Applications Committee 14/03/2018), and the Convenience Store and 10 houses at Yarm Road (culminating in consideration by DBC Planning Applications Committee on 04/4/2018), as well as addressing issues regarding all the other developments and applications in Middleton St George (including the application for 430 houses, etc. in the very centre of the village), it has not been possible to engage with the Applicant in any sort of community consultation. MSG Parish Council contacted the Applicant proposing a meeting with Parish Councillors and suggesting a number of possible dates. However, the Applicant was not available on any of these dates, so no meeting was held. A longer period between pre-application consultation and the submission of an application should be required.

We note, however, that the Applicant mentions a Special Meeting of the Parish Council held on 26th March when the proposed development was first discussed. The Applicant, in his Statement of Community Consultation, seeks to address any disquiet. With regard to our concern about overdevelopment, the Applicant refers, in para 2.3.9.d, to "assessments which have been made which consider the implications of the other [development] proposals with the application proposal and conclude that there is sufficient capacity for the proposed development". We would challenge this, and argue that the Applicant has not provided any such evidence that this is the case. The Applicant also states that MSG is identified by DBC as a suitable location for housing development. We have repeatedly provided evidence to show, however, that not only does MSG now fail two of the sustainability tests, but the cumulative impact of the overdevelopment to date has had, and will continue to have, a detrimental effect on the village and its residents, such that it far outweighs any perceived economic, social or environmental benefit. With regard to the SHLAA Assessment, the Applicant himself admits (para 2.3.9.e) that the site was assessed as unsuitable for development "due to on-site constraints including the Area of Archaeological Interest, PROW, being adjacent to the Conservation Area and outside the Development Limits of MSG." How can he then argue that the site can then be made suitable? The grounds on which it could be considered as such would have to be "exceptional" for this to be the case, given that the SHLAA and HELAA Assessments have been carried out, and the site has been identified as unsuitable.

Loss of Trees and Hedgerows

With all the developments being granted permission in the village, we are facing a worrying loss of trees and hedgerows. Already, we have lost the hedgerows and trees along Yarm Road, which were perfectly healthy, even though they may not have been protected as ancient. The application site contains many old, majestic, and valued trees and hedgerows which should not be removed. We are not prepared to accept the loss of further trees and hedgerows which are essential to the rural habitat of the local wildlife. Once, gone, along with the wildlife, they will be gone forever. Replacing any of the existing trees with new saplings is no compensation whatsoever.

Proposed Community Park

In para 2.3.9a of the Statement of Community Consultation proposes that this would be managed by a management company, via a s106 Agreement, but there is no further supporting information. However, the Parish Council does not consider that the addition of a community park justifies the rest of the development, which is unsustainable on multiple counts. The proposed community park would not justify, or compensate for, the loss of the rich wildlife habitat already on that area. Middleton St George already has a number of green spaces, including The Whinnies Nature Reserve, the Water Park, and the Playground and Playing field.

Site not included in the emerging MSG Spatial Plan

Having already mentioned the fact that this site is not included in the SHLAA or HELAA, the Parish Council highlights the fact that neither is this site included as a site for development within the Draft MSG Spatial Plan (in the context of the Draft Local Plan) which was designed by DBC as a comprehensive and rational plan in terms of sustainability of the village.

Government Policy Recommends Prioritising Use of Brownfield Sites

This is much documented, so needs no explanation. The reasoning is because green field development should be avoided if there are brownfield sites available. Since DBC has produced a Brownfield Register, there is evidence to show that there are brownfield sites available in the Borough.

No Evidence for the need for a 60-bed care home

Middleton St George already has a number of such establishments, and there is no evidence of local need. We concur with Neasham Parish Council in stating that the MSG is not suitable for catering for people from elsewhere in Darlington due to the inadequate transport links. Also, the Applicant has not provided any information regarding the nature of the proposed care home (whether publicly or privately-owned, or any other basis), nor has there been any indication of who would provide such an establishment. The application may be at outline stage, but it should be a requirement that information regarding provision is at least indicated at this step in the process. Otherwise, there is nothing to stop the proposal developing into a 400 home development by the reserved matters stage.

With regard to the visual impact of any proposed building, this has not been set out by the Applicant.

Housing Need

Excerpt from CPRE Spring 2018 Newsletter:

The Government's housing figure methodology suggests 177 houses per year for the borough of Darlington. However, Darlington Borough Council's "Five Year Housing Land Supply Position Statement", published in February 2018, gives a figure of 569 houses per year. There is confusion because while Darlington Borough Council has confirmed it is working to a much larger figure than the methodology, it also says it now has a five-year supply of housing - which in theory should reduce the number of applications being approved. This five year supply has not been reported to the Cabinet and so the confusion continues.

Middleton St George Under Siege:

Some Housing Figures

WE'RE indebted to Catherine Gilson, Chair of Middleton St George Parish Council Planning Committee, for figures which perfectly illustrate the threat to Darlington's countryside, solely with reference to the overdevelopment situation in Middleton St George.

"As of April 2018 - permission has been granted to (since, and including the "Gladman" appeal decision in 2015):

- *up to 250 dwellings, Sadberge Road (under construction)*
("Gladman" appeal)
- *350 dwellings and local services at Durham Tees Valley Airport*
- *55 Houses Lancaster House at Durham Tees Valley Airport*
- *27 dwellings off Middleton Lane*
(under construction)
- *44 houses Yarm Road*
(under construction)
- *198 dwellings Grendon Gardens*
- *10 houses plus convenience store, Yarm Road*

Total granted: 934 + 1 convenience store

Pending:

- *Up to 226 dwellings and primary school, Station Road*
- *430 houses plus school and supermarket*
- *63 houses Yarm Road*
- *280 houses, plus 60 bed care home at Neashan Road*

Total pending: an additional 999

Other applications expected as there have been pre-application consultations:

- *All the remaining sites on the "Call for sites" list*

Cumulative Total of houses: 1,933

(which would mean at least 3,866 vehicles + 2 convenience stores, with extra private and commercial vehicles)

Darlington Borough Council's estimated housing target is 492 per year.

Catherine Gilson, Chair of the Middleton St George Parish Council Planning Committee

Editor's notes: 1. The difference between this figure of 492 and the figure of 569 houses per year in the "Five Year Housing Land Supply Position Statement", is because over the last few months there have been different documents with different figures and 492 is the one Catherine found at the time she did her analysis (the Minutes of the Council's Cabinet, 9th January 2018, Minute C98(3b)) - in many ways it demonstrates further the confusion campaigners are experiencing. 2. On Wednesday 4th April 2018 the Planning Committee approved 4 applications for a total of up to 885 houses: 750 by the White Horse on

North Road (2 applications); up to 95 in Hurworth; all outline applications; and the 10 houses and the convenience store at Middleton St George.

Visual Impact and Out of Character

DBC's Site Notice states the proposed development would "lie within an area designated as Middleton One Row Conservation Area" and "In the opinion of Darlington Borough Council, as the Local Planning Authority, the said development would affect the character and appearance of the above Conservation Area."

Socio-economic Sustainability Statement

The Applicant's Socio-economic Sustainability Statement does not provide evidence robust enough to demonstrate sustainability according to the criteria set out in the NPPF.

The Applicant seeks to show that the development would provide construction jobs, bring in consumer expenditure and an active labour force due to new residents, and bring in council tax revenue. However, the information provided is not sufficient to prove the need for such, or that they will be demonstrably beneficial to the locale, and thus outweigh the detrimental impacts of the development. Further, these factors alone cannot presume to constitute grounds for sustainability, and must still pass the tests of paragraph 14 of the NPPF, which means that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. MSG Parish Council has demonstrated throughout this response that the adverse impacts of this development would demonstrably outweigh the benefits ... etc.

The issue of "sustainability"

Two of the Key Sustainability Factors for Middleton St George are no longer valid (ref. Darlington Borough Council's 2016 Interim Planning Position Statement); the GP Surgery is no longer located within 1km of the centre of the village (in fact it is more than 1.4 miles from the centre of the proposed development site), and the bus service, as well as only being an hourly service weekdays until 6pm, does not serve the GP Surgery in its new location (we continually request an improved bus service, but so far in vain). We need, in order of priority (a) an improved route to take in the GP Surgery, (b) restoration of Monday to Saturday evening, as well as the Sunday service (c) restoration of half-hourly service, and (d) route linking other villages and Yarm.

The Parish Council consider that it is extremely unjust to expect Middleton St George to supply three times as many houses as the rest of Darlington, especially given the fact that, now that the Council has published its Brown Field Land Register, there is the potential for developing that land prior to doing so on greenfield sites, as recommended by the Government, and also taking account of the fact that Middleton St George now fails two of the "sustainable village" criteria.

The Parish Council does not believe that there can be any economic benefit to the village from the development of the Application Site, or that even if there were some marginal improvement to the village, that that can outweigh the significant environmental disadvantages which the village will suffer.

Below are 3 of the Objectives, together with some relevant sections of the draft NDP, which we would want to see maintained and considered. We would welcome further consultation with Darlington Borough Council on how these may be implemented.

Objective 1:

Ensure that new developments are sustainable and make a contribution to the quality of life and quality of local services for the people who live or work in Middleton St George.

Objective 2:

Maintain, protect and enhance green spaces and ensure that these are of a high quality and allow the community to use them for health and well-being. In pursuit of this ensure that the landscape character is maintained and enhanced and that the coalescence of Middleton St George with adjacent settlements is prevented.

Objective 3:

Maintain and enhance local distinctiveness including village character through the protection or restoration of the built and natural heritage of Middleton St George.

The strategic priorities for the Neighbourhood Development Plan set by the community are to (i) retain a village character for Middleton St George, (ii) maintain and where possible improve the quality of life for existing residents and (iii), maintain and where possible improve local services and infrastructure.

Judging by consultation, the quality and accessibility of the environment in is an important consideration to the quality of life of residents. Hence environmental protection and improvements are to be sought through the Neighbourhood Development Plan.

Summary and Conclusion

It is well documented that, as a result of the *Gladman* appeal, the Borough Council

- a) Must accelerate the adoption of new policy, even on an interim basis, and
- b) Until then must determine applications on the basis of the NPPF

However, we submit that this does not mean taking the three dimensions in para. 7 of the NPPF as a tick-box test. “So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen.” It may not therefore be sustainable to allow – or encourage – developers to use the void created by the absence of a new local planning policy where to do so would be to negate the proposition that “neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. (NPPF para 184) The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area.” **The local planning authority should be enabled to pay full attention to the fact that the emergent neighbourhood development plan is unable to be progressed pending new local policies being developed against which the NDP can be aligned.** The approval of this application will negate future opportunities for constructive neighbourhood planning within Middleton St George. That is a clear demonstration of non-sustainability, and one does not need to look further than the way in which the social role is expressed in NPPF para 7.

Weight must still be given to saved policies (as mentioned above), which includes E2, and the respect for the Conservation Area.

Middleton St George Parish Council is of the opinion, based on the grounds detailed above, that any adverse impacts of granting permission for this application would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF). We do not believe that it is sustainable to allow this development to be built, which will cause more congestion. It has already been stated that it would conflict with Policies, especially in terms of Conservation. The economic, social, and environmental roles of the proposed development are overstated; this would be a dormitory settlement, with its residents travelling to work (and let us not forget the lack of an adequate bus service).

Finally, as mentioned above, this application is premature, given the fact that we are taking part in a Consultation with DBC in the context of the Local Plan, and therefore no further applications should be granted permission until such time as this process has been finalised.

Therefore, permission should be refused.

Yours sincerely,

Alan Macnab,
Clerk to the Parish Council.