

Gladman Developments Ltd

Representations on the Darlington Local Plan 2016-2036

Issues and Scoping

May 2016



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APPENDICES

Appendix 1 – Land off Staindrop Road, Darlington (Location Plan)

Appendix 2 – Draft Indicative Development Framework Plan for Land off Staindrop Road, Darlington

1 EXECUTIVE SUMMARY

- i. This submission provides Gladman Development's written representations on the Darlington Local Plan 2016-2036 Issues and Scoping (DLP).
 - ii. Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure and has previously been involved in the preparation of the Darlington Local Plan as well as with site delivery in Darlington.
 - iii. These representations concern the following matters:
 - Duty to Cooperate
 - Sustainability Appraisal
 - Objectively Assessed Housing Needs
 - Plan Period
 - Matters and Issues Covered
 - Vision
 - Issues
 - Further Research
 - Strategic Options
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2 INTRODUCTION

2.1 Context

2.1.1 Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. This submission provides Gladman Developments' representations on the DLP.

2.1.2 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
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3 NATIONAL PLANNING POLICY

3.1 National Planning Policy Framework and Planning Practice Guidance

3.1.1 The National Planning Policy Framework has been with us now for over four years and the development industry has experience with its application and the fundamental changes it has brought about in relation to the way the planning system functions. The Framework sets out the Government's goal to 'significantly boost the supply of housing' and how this should be reflected through the preparation of Local Plans. In this regard, it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

"To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area***
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements..."***
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15" (Paragraph 47)"***

3.1.2 The starting point of identifying objectively assessed housing needs is set out in paragraph 159 of the NPPF, which requires local planning authorities to prepare a Strategic Housing Market Assessment, working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the Framework that the objective assessment of housing needs should take full account of up-to-date and relevant evidence about the economic and social characteristics and prospects of the area, with local planning authorities ensuring that their assessment of and strategies for housing and employment are integrated and take full account of relevant market and economic signals (paragraph 158).

3.1.3 Once a local authority has identified its objectively assessed needs for housing these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so (paragraph 14). Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Adverse impacts on any of these dimensions should be avoided. Where adverse impacts are unavoidable, mitigation or compensatory measures may be appropriate (paragraph 152).

3.1.4 As the Council will be aware the Government published its final suite of Planning Practice Guidance (PPG) on the 6th March 2014, clarifying how specific elements of the Framework should be

interpreted when preparing their Local Plans. The PPG on the Housing and Economic Development Needs in particular provides a clear indication of how the Government expects the Framework to be taken into account when Councils are identifying their objectively assessed housing needs. Key points from this document include:

- Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need
 - Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic underperformance, infrastructure or environmental constraints.
 - Household projection based estimates of housing need may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.
 - Plan makers need to consider increasing their housing numbers where the supply of working age population is less than projected job growth, to prevent unsustainable commuting patterns and reduced local business resilience.
 - Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings.
 - The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.
 - The total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help to deliver the required number of affordable homes.
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4 LEGAL COMPLIANCE

4.1 Duty to Cooperate

- 4.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 4.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration¹ as set out in the PPG, it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Darlington must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross boundary strategic issues and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 4.1.3 Further, the PPG reflects on the public bodies which are subject to the duty to cooperate. It contains a list of the prescribed bodies. The PPG then goes on to state that:

“These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters.”

4.2 Sustainability Appraisal

- 4.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan’s preparation, assessing the effects of the Local Plan’s proposals on sustainable development when judged against reasonable alternatives.
- 4.2.2 The DLP should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the DLP’s decision making and scoring should be robust, justified and transparent.

¹ PPG Reference ID. 9-011-2014036

5 OBJECTIVELY ASSESSED HOUSING NEED

5.1 Background

5.1.1 The process of undertaking an OAN is clearly set out in the Framework principally in §14, §47, §152 and §159 and should be undertaken in a systematic and transparent way to ensure that the plan is based on a robust evidence base.

5.1.2 The starting point for this assessment requires local planning authorities to have a clear understanding of housing needs in their area. This involves the preparation of a Strategic Housing Market Assessment (SHMA) working with neighbouring authorities where housing market areas cross administrative areas as detailed in §159 of the Framework. The Framework goes on to set out the factors that should be included in a SHMA including identifying

“the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- ***Meets household and population projections taking account of migration and demographic change;***
- ***Addresses the need for all types of housing including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and***
- ***Caters for housing demand and the scale of housing supply necessary to meet this demand.”***

5.1.3 Key points that are worth noting from the above is that the objective assessment should identify the full need for housing **before** the Council consider undertaking any process of assessing the ability to deliver this figure. In addition, §159 specifically relates to catering for both housing need and housing demand within the authority area. It is worth pointing out that any assessment of housing need and demand within a SHMA must also consider the following factors; falling household formation rates, net inward migration, the need to address the under provision of housing from the previous local plan period, the results of the Census 2011, housing vacancy rates including the need to factor in a housing vacancy rate for churn in the housing market, economic factors to ensure that the economic forecasts for an area are supported by sufficient housing to deliver economic growth, off-setting a falling working age population by providing enough housing to ensure retiring workers can be replaced by incoming residents, addressing affordability and delivering the full need for affordable housing in an area.

5.1.4 Of particular importance is the need to consider market signals. The consideration of market signals is one of the core planning principles considered in §17 of the Framework, which states:

“...Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.”

5.1.5 Of critical importance is what the Framework goes on to say in §158 in the section discussing Plan Making. It states here:

“Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.”

5.1.6 Market signals are therefore at the very core of what the Framework is trying to achieve in promoting sustainable development and boosting the supply of housing land.

5.1.7 The formal publication of the Planning Practice Guidance in March 2014 gives further explanation to what the Framework means with regard to market signals, and sets out, in a range of paragraphs, the way in which local planning authorities should go about factoring in relevant market signals in arriving at their OAN. §19 and §20 of the PPG gives guidance on what market signals should be taken into account and how plan makers should respond to these market signals. The below extracts identify some particularly pertinent points.

“The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Prices of rents rising faster than the national/local average may well indicate particular market undersupply relative to demand.”

5.1.8 The paragraph goes on to indicate that these factors would include, but should not be limited to, land prices, house prices, rents, affordability, rates of development and overcrowding. However, given what the Framework says at §17, quoted above, it seems clear that particular consideration should be given to affordability.

5.1.9 In order to consider how market signals should be taken forward §20 identifies some key concepts:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”

5.1.10 It is therefore clear that where market signals are apparent (in any of the indicators assessed) there is an absolute and clear direction that an upward adjustment to housing numbers is required. It is also clear that both the absolute level of change and the rates of change are considerations, and that local planning authorities need to carefully benchmark themselves against other areas. This

should not simply be a case of considering neighbouring authorities but should look at, as well as these, local authorities on a national basis, if the demographic and economic indicators are relevant. Gladman are firmly of the view that considering comparisons purely against neighbouring authorities is not sufficiently robust and does not address the underlying issues which both the Framework and PPG are trying to tackle with regard to housing.

5.1.11 What is of further importance when considering these issues is the period of time analysed when considering both relative and absolute change. It has become apparent, in our consideration of a number of plans that many local authorities choose to look at periods of time which are not fully representative of the depth of the housing crisis which we are currently within.

5.1.12 The problems are noted in Fixing the Foundations: Creating a more prosperous nation published by HM Treasury in July 2015. In paragraph 9.7 the report states:

“There remains more to do. As the London School of Economics (LSE) Growth Commission found, ‘under supply of housing, especially in high-growth areas of the country has pushed up house prices. The UK has been incapable of building enough homes to keep up with growing demand.’”

5.1.13 Gladman are therefore of the view that local planning authorities must take a long term view when considering affordability and consider the relative and absolute change over a long term 15-20-year period, which coincides with the normal time span of a Local Plan. Authorities should assess, as a constituent part of their OAN, how they can improve affordability over the life time of a plan to a point where affordability is more in line with average earnings and affordable mortgage lending rates. They should assess a level of housing over the 15-20-year plan period which would enable this step change and consider its deliverability in the plan. Only through planning for significant housing growth can local authorities realistically tackle market signals in the way advocated by the PPG and tackle the affordability and housing crisis.

5.1.14 The need to identify the full OAN before considering any issues with the ability of a Local Planning Authority to accommodate that level of development has been confirmed in the High Court. Most notably in *Solihull Metropolitan Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Limited* where it was considered that arriving at a housing requirement was a two stage process and that first the unconstrained OAN must be arrived at. In the judgement it was stated:

“The NPPF indeed effected a radical change. It consisted in the two-step approach which paragraph 47 enjoined. The previous policy’s methodology was essentially the striking of a balance. By contrast paragraph 47 required the OAN [objectively assessed need] to be made first, and to be given effect in the Local Plan save only to the extent that that would be inconsistent with other NPPF policies. [...] The two-step approach is by no means barren or technical. It means that housing need is clearly and cleanly ascertained. And as the judge said at paragraph 94, “[h]ere, numbers matter; because the larger the need, the more pressure will or might be applied to [impinge] on other inconsistent policies”.

5.1.15 Therefore, following the exercise to identify the full, OAN for housing in an area,

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.” (NPPF §152)

5.1.16 This statement clearly sets out that local planning authorities should seek to deliver the full OAN and that this should be tested through the evidence base. Only where the evidence shows that this is not achievable should they then test other options to see if any significant adverse impacts could be reduced or eliminated by pursuing these options. If this is not possible then they should test if the significant adverse impacts could be mitigated and where this is not possible, where compensatory measures may be appropriate.

5.1.17 The final stage of the process is outlined in §14 and involves a planning judgement as to whether, following all of the stages of the process outlined above,

“Local Plans should meet OAN, 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; or**
- **specific policies in this Framework indicate development should be restricted.”**

5.1.18 It is also worth noting that the final part of this sentence refers to footnote 9 of the Framework which sets out the types of policies that the Government consider to be restrictive. These include:

“...sites protected under the Birds and Habitat Directive (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”.

5.1.19 Although this list is not exhaustive it is clear that local landscape designations, intrinsic value of the countryside, the character of areas, green gaps etc. are not specifically mentioned as constraints by the Framework.

- 5.1.20 The National Planning Practice Guidance (NPPG) contains guidance to support local authorities in objectively assessing and evidencing development needs for housing (both market and affordable) and economic development. This document supports and provides further guidance on the process of undertaking such assessments, in addition to what is set out in the Framework.
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6 DARLINGTON LOCAL PLAN 2016-2036

6.1 Local Plan Period

Question 1

- 6.1.1 It is considered that the Plan period 2016-2036 is the appropriate timeframe for the Local Plan review. This period is adequately covered by the recently released 2014 Sub-National Population Projections and the 2014 Household Projections and covers a 20-year period in line with guidance set out in the Framework.

6.2 Matters and Issues Covered

Question 2 and Question 5

- 6.2.1 The matters which are set out in the Issues and Scoping report appear to cover the broad range of issues which need to be addressed through the DLP. It is critical that the starting point for the DLP is a robust and justified evidence base that first looks at establishing the housing and economic needs of the area and then identifies how to meet that need in full. This exercise needs to be considered alongside the constraints in the borough cognisant of the fact that the full level of needs should be catered for, unless the harms significantly and demonstrably outweigh the benefits.
- 6.2.2 It is also important that the Plan presents solutions to the issues facing Darlington which are aspirational, whilst being realistic and deliverable in line with guidance in the Framework (para 154).
- 6.2.3 In order to deliver the economic growth aspirations of Darlington and the wider North East, it is essential that sufficient housing is provided to attract much needed workforce to the borough. This will assist in meeting the regeneration aims of Darlington as well as seeking to restructure the population of the borough to address the issue ageing. The Issues and Scoping paper sets out that Darlington has been very successful in attracting key employers and investment to the town and they set out that the aim is to sustain this success for the next 20 years. Key to achieving this will be the delivery of significant levels of growth in both housing and employment in an efficient and expeditious manner.
- 6.2.4 The strategic locations for growth are critical to the success of Darlington. They will deliver a large proportion of the borough's development needs and will bring new investment and prosperity to the town and wider borough. However, the strategic allocations must be available, achievable and deliverable in the short to medium term in order to meet both the immediate needs of the borough as well as providing much needed housing and economic growth across the plan period.
- 6.2.5 Whilst there is an obvious need to concentrate a majority of development on the areas that are considered to be the most sustainable with the greatest access to services and facilities, it must be acknowledged that rural settlements are not inherently unsustainable. In fact, they can be extremely sustainable as people are able to access everyday services and facilities within a short walk.
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- 6.2.6 Para 55 of the Framework seeks to promote sustainable development in rural areas to maintain and enhance rural vitality and viability. It is essential therefore, that the needs of the sustainable rural settlements across the borough are assessed and a meaningful level of growth apportioned to them to ensure their ongoing vitality and viability. This will help to preserve and enhance rural services and facilities and allow local rural communities to meet their own needs for housing whilst providing much needed affordable housing in the parts of the borough that suffer with the greatest affordable housing need.
- 6.2.7 In allocating sites, the Council should be mindful that to maximize housing supply, the widest possible range of sites, by size and market location are required, so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. For any given time period, all else being equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. In summary, a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.
- 6.2.8 The Council also need to be mindful in the DLP of development viability in order to ensure that there are no fundamental barriers to delivering growth. Although it is recognised that new strategic infrastructure is required to support the level of new development in the borough, this should be considered through the whole plan viability assessment to ensure that the requirements set out in the DLP do not jeopardise the delivery of the Plan as a whole.

6.3 Vision

Question 3

- 6.3.1 The Vision seems to be reasonably appropriate, although reference should be made to delivering new housing to meet the future housing needs of all sectors of the community, including specialist provision for older people and affordable housing. This is included as an objective in the Plan and should therefore also be referenced in the Vision, as housing will form a critical part of the DLP going forward.

6.4 Starting Points

Question 7

- 6.4.1 The starting points for both housing and economic need will have to be informed by updates to the evidence base to cover both the Housing Market Area (HMA) and Functional Economic Market Area (FEMA) taking account of the latest 2014 Sub National Population Projections (SNPPs), 2014 Household Projections and economic forecasts. These documents should be prepared in accordance with the guidance set out in the Framework and Planning Practice Guidance to ensure that the Plan is predicated on a robust and policy compliant evidence base (see Section 5 above).
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- 6.4.2 In terms of design, any policy including specific requirements should be tested, alongside other policies in the Plan, through the whole plan viability assessment to ensure that the cumulative impacts of all proposed local standards and policy requirements do not put the implementation of the Plan as a whole at risk (paragraph 174 of the Framework). This is equally applicable to affordable housing requirements and the need to contribute to wider strategic infrastructure to ensure that the plan is deliverable and will achieve its aims.
- 6.4.3 It is worth noting that the Written Ministerial Statement (WMS) dated 25th March 2015 confirms that “the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”. Furthermore, with particular reference to the nationally described space standard, the NPPG (ID: 56-020-20150327) confirms “where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies”. If the Council wishes to adopt this standard, it should be justified by meeting the criteria set out in the NPPG including need, viability and impact on affordability. The Council therefore needs to provide sufficient evidence to justify adoption of either of these standards.
- 6.4.4 In terms of housing land, it is important for the Council to undertake a thorough and comprehensive assessment of all existing and potential housing sites to determine if they remain suitable, available and deliverable in the plan period. Realistic judgements should be made as to the capacity of these sites and the timing of delivery, to ensure that the Council can maintain a rolling 5-year supply of housing land.
- 6.4.5 In addition, there needs to be flexibility built into the allocations within the Plan to ensure that the housing requirement is both attained and is exceeded, as all housing targets are expressed as a minimum. There is a need to allow for a non-delivery factor to account for allocated sites not coming forward or coming forward with lower than anticipated housing numbers. It is therefore essential that the DLP over-allocates housing sites when set against the housing requirement.
- 6.4.6 The Inspector at the recent Stratford-Upon-Avon Examination concluded, in his report, that the 10% reserve sites that were included in the Plan be increased to 20% to ensure that the Plan is positively prepared in line with the Framework (para 71). The DLP should therefore allocate additional sites to provide flexibility in the Plan equal to 20% of the housing requirement.
- 6.4.7 Gladman object to the Council’s use of the ‘Liverpool’ method for dealing with housing backlog. What is apparent is that Darlington has under delivered by a very considerable margin, some 1,162 units against its own housing requirement. It is our contention, that often a backlog in development is due to a failure to approve sustainable development and an overreliance on large strategic sites. Therefore, the Sedgefield approach should be used, in line with the NPPF, to deliver housing now. GDL would remind the Council that the PPG explicitly states² that:-

² Paragraph: 035 Reference ID: 3-035-20140306

“Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the ‘Duty to Cooperate’.”

- 6.4.8 There is no apparent evidence currently offered by the Council justifying the approach taken to dealing with the housing backlog by the Liverpool ‘method’ i.e. spreading the delivery of the backlog over the whole 20-year plan period. In addition, there is no evidence of the Council attempting to work with neighbouring authorities in the way outlined above by the PPG. The Council have merely used the ‘Liverpool’ method as the default position which is therefore considered to be unjustified and consequently unsound.
- 6.4.9 With relation to heritage, paragraphs 132 to 134 of the Framework specifically deal with designated heritage assets. These paragraphs highlight that the more important the asset the greater the weight that should be attached to it. The policies in the DLP therefore need to make such a distinction so as to ensure they are consistent with the Framework.
- 6.4.10 The Framework states that if the harm to a heritage asset is deemed to be substantial, then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The policies in the DLP should therefore make a distinction between the two tests included in the Framework for designated heritage assets to ensure they are sound.
- 6.4.11 Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these cases is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset. Once again, policies in the DLP need to reflect this guidance.
- 6.4.12 In addition, in light of the judgement in *FODC v. SSCLG and Gladman Developments Ltd.* [2016] EWHC 421 Admin, Gladman consider it is necessary for the DLP to carry out an assessment of the potential impact of proposed development on heritage assets, as set out in paragraph 129 of the Framework. The Judgement concerns the interaction between paragraph 14 and paragraph 134 of the Framework and the issues of the balancing exercise to be undertaken to assess the harm of any proposals against the benefits of the identified proposed development in accordance with paragraphs 133, 134 and 135 of the Framework. Gladman consider that the implications of the Judgement apply equally to both the decision making process and the plan making process. Paragraph 134 is clear in talking about ‘development proposals’, a phrase which can apply equally to planning applications and proposed allocations. Furthermore, footnote 29 of the Framework clearly states that “The principles and policies set out in this section apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking”. It is therefore essential that the implications of the above Judgment are fully considered in the context of both decision-taking and plan-making.
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- 6.4.13 In terms of the natural environment, the identification of any local environmental designations, including gaps and separation policies, must be predicated on a robust and comprehensive evidence base that can be used in the planning balance advocated by the Framework, allowing the Council to assess whether the adverse impacts of the loss of such areas significantly and demonstrably outweigh the benefits of delivering the full need for housing.
- 6.4.14 The protection [of countryside for its own sake] has not been carried forward into the Framework. Within the Framework, protection is reserved for areas designated as Green Belt [paragraph 17 bullet five] and **valued** landscapes [paragraph 109].
- 6.4.15 That is not to say that the character and beauty of the countryside, and the impact of development upon it is not an important factor within an overall planning balance, it certainly is. Paragraph 17 [bullet five] talks of “recognising the intrinsic beauty and character of the countryside” but also of “supporting thriving rural communities within it”. The Framework recognises that there will often need to be a loss of countryside if its wider objectives are to be achieved.
- 6.4.16 Policies that represent a blanket approach to development outside of the defined settlement policy boundaries do not accord with the presumption in favour of sustainable development set out in the Framework. Any policy for the protection and enhancement of the environment should be established in light of the national policies contained in the Framework, particularly paragraphs 109 to 125.
- 6.4.17 Para 109 sets out that the planning system should contribute to and enhance **valued** landscapes with advice in Para 113 stating that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting such sites should be judged. In addition, Para 113 highlights that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status.
- 6.4.18 It is therefore important to recognise in any policy on landscape character, that a balancing exercise needs to be undertaken by the decision maker which weighs the harms against the benefits of the development, taking into consideration appropriate mitigation. This is so as to avoid the policy being unsound if it acts as a blanket embargo to development affecting landscape character.
- 6.4.19 Policies on countryside should also be flexible enough to be able to accommodate new development, outside of existing development boundaries, to allow the Council to quickly address any issues in a shortfall in housing land supply against the plan requirement.

6.5 Further Research

Question 8

- 6.5.1 As stated in para 6.4.12 above, the Council needs to update its SHMA and FEMA studies to take account of the release of new data so as to ensure that the DLP is based on robust and up-to-date evidence.
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- 6.5.2 The Council also need to update and scrutinise their evidence in relation to development constraints so as to be able to test whether any harm caused to these constraints significantly and demonstrably outweigh the benefits of delivering the full OAN for housing.
- 6.5.3 This approach to environmental capacity assessment would follow the Local Plan Expert Group's recommendations to Government on enhancing the Local Plan system, ensuring that housing need is fully addressed by LPAs. It is therefore recommended that the Council undertake a similar exercise to fully test their capacity for housing delivery.
- 6.5.4 In addition, in light of the judgement in FODC v. SSCLG and Gladman Developments Ltd. [2016] EWHC 421 Admin, Gladman consider it is necessary for the DLP to carry out an assessment of the potential impact of proposed development on heritage assets, as set out in paragraph 129 of the Framework (see paragraph 6.4.10 above).

6.6 Strategic Options

Question 9

- 6.6.1 Gladman Developments support the Strategic Option set out in the Issues and Scoping paper to deliver economic and housing growth to the south west of Darlington.
- 6.6.2 As the Council will be aware, Gladman have land interests in a 48.51 hectare site at Staindrop Road, Darlington. This site is being promoted in conjunction with Taylor Wimpey, who have land interests for two lower parcels to the south of our interests. A copy of the location plan which shows the site ownership details is attached at Appendix 1.
- 6.6.3 The site has been the subject of pre-application discussions with the Council, including comments from both Highways and Design officers. Presently, the technical work regarding the site is ongoing and Gladman are aiming for a submission by late 2016.
- 6.6.4 The scheme has been master-planned to include the Taylor Wimpey site to ensure that a cohesive and coordinated approach is taken to the development of this land. However, two separate applications are to be submitted.
- 6.6.5 The design of the scheme has been revised to include suggestions made by the Council to include large expanses of public open space, a primary school and a small local centre for retail use. Overall, the two applications would cater for up to 1,500 dwellings. We consider that in its current form, the site would constitute a suitable and sustainably located site for residential development in Darlington.
- 6.6.6 In addition, the site will include new footpath routes alongside the existing Public Rights of Way, improving the public access to the site and access to the areas of public open space.
- 6.6.7 One of the main benefits of the site which was prompted by the initial highways work was the proposal for a link road, joining Staindrop Road to Coniscliffe Road. This has been confirmed by the
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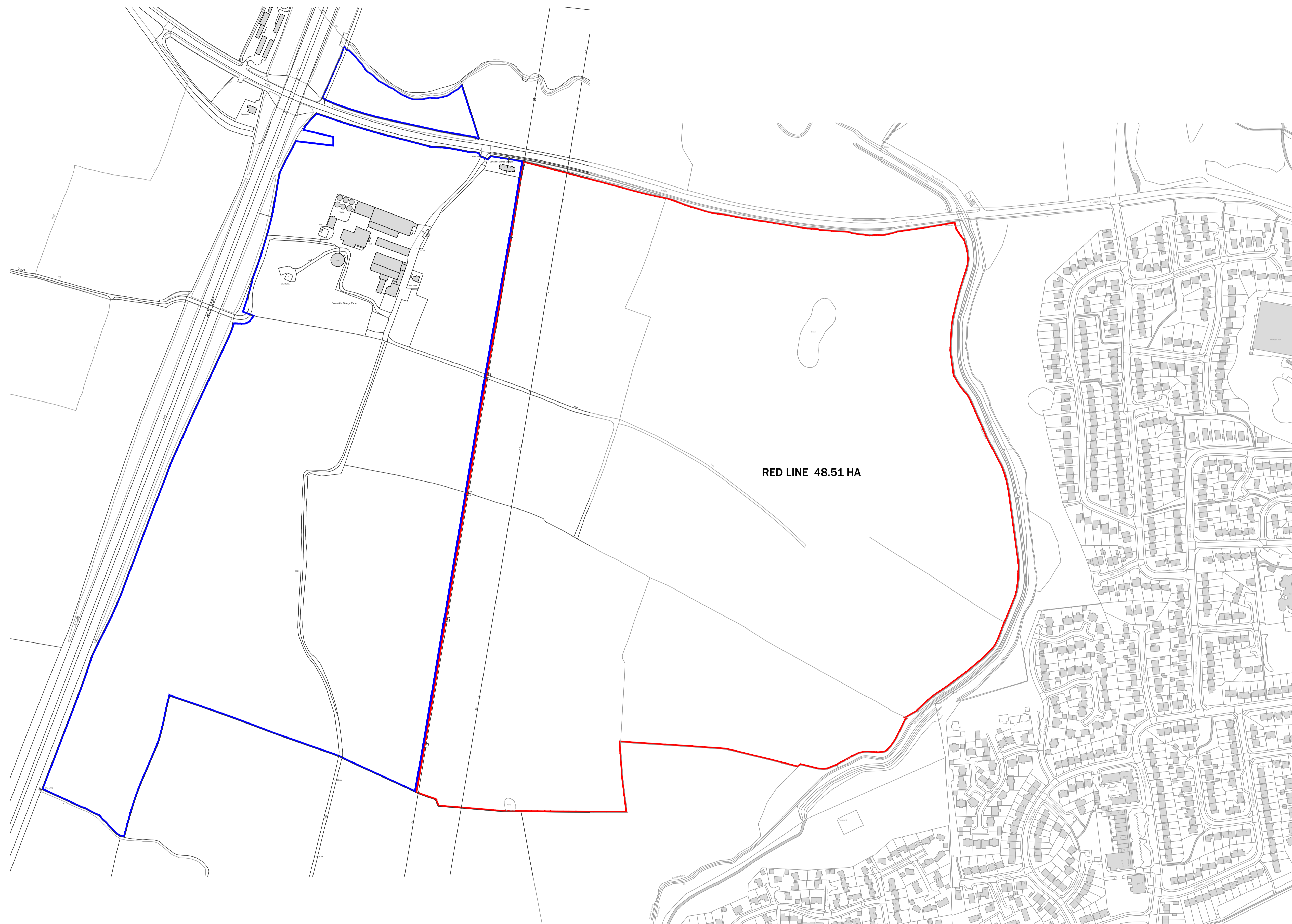
-
- Highways Team as an opportunity to provide a relief road around Darlington, as part of longer term plans which would help to improve the existing highway network.
- 6.6.8 It is in the Council's interest to promote and approve additional sustainable sites for housing now, such as the Staindrop Road site. This site will assist the Council in addressing the pressing issues of housing supply and the provision of housing to address the significant affordable need in the borough.
- 6.6.9 Gladman consider that the site at Staindrop Road is suitably and sustainably located for housing. Darlington is likely to be the central location for growth and the site will help to accommodate this in a sustainable development.
- 6.6.10 The site is located close to the existing urban edge of Darlington, and although close to existing facilities, it is also intended to provide additional choice on-site.
- 6.6.11 The site also has good accessibility to public transport links and discussions are intended to be had with Stagecoach, following our initial pre-application discussions which confirmed that a route through the site would be appropriate.
- 6.6.12 It is clear that the site is well related to the existing settlement of Darlington and represents a logical extension to the built up area. Gladman believe that through sensitive design and careful master-planning, any landscape issues can be effectively overcome. A copy of our current Development Framework Plan can be seen in Appendix 2.
- 6.6.13 The site off Staindrop Road is available, deliverable and achievable now. There are no issues or constraints that prevent the site coming forward for development. The site is able to contribute to meeting the borough's pressing growth needs now and is capable of delivery in the short and long term. The site should therefore be allocated in the DLP.
- 6.6.14 The Council already have existing large scale urban extensions to Darlington both on the north western and eastern sides of the town. These developments are of a considerable scale and will be developed out across the whole of the new plan period to 2036.
- 6.6.15 Given that these two 'Growth Zones' cater for residents needs in these locations, and will do for a considerable period of time into the future, as well as the fact that growth to the south of the City is constrained by the River Tees and the A66, the proposed Growth Zone to the south west of the town offers a suitable and deliverable alternative for delivering much needed housing growth in the west. The area is relatively unconstrained and will be able to offer an alternative market location for new development within the new DLP.
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7 CONCLUSIONS

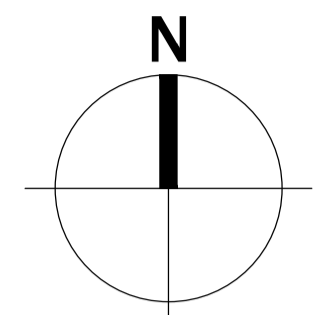
- 7.1.1 Having considered the DLP, Gladman are concerned about a range of matters including the housing requirement, spatial strategy, housing supply and natural and historic environment.
- 7.1.2 The plan must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. In the first instance, the Council must start with clearly defining an NPPF and PPG compliant OAN by developing an unconstrained requirement which properly follows the guidelines set out at the national level. The Council should then develop a robust housing requirement using this OAN as a starting point.
- 7.1.3 Careful consideration needs to be given to the spatial strategy that forms the basis of the spatial distribution of growth across the borough. All sustainable settlements should be allowed to play their part in meeting their own housing and employment needs as well as contributing to the wider borough's requirements. A flexible approach to delivering the development needs of the borough will ensure the plan's ultimate deliverability and success.
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Appendix 1

Location Plan for Land off Staindrop Road, Darlington



RED LINE 48.51 HA



Rev	Date	Revision notes	By
D	21-07-16	Red line adjusted west of power lines	EJH
C	20-07-16	Red line adjusted east of power lines	EJH
B	10-03-16	Farm and Land taken out of red line	EJH
A	23-02-16	Amended to wider site area	EJH

DO NOT SCALE

Status

PRELIMINARY

Project

DARLINGTON, STAINDROP ROAD

Title

INDICATIVE LOCATION PLAN



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Drawn by	Publish Date	Title checked by	Title checked date
EJH	23-02-16	EJH	23-02-16
Highways checked by	Highways checked date	Topo checked by	Topo checked date
EJH	20-07-16	EJH	20-07-16

Scale(s)

1 TO 2500 @ A1

Project no.	Drawing no.	Revision
2015-135	LP 001	D

Appendix 2

Draft Indicative Development Framework Plan

Land off Staindrop Road, Darlington

