

Comment

Agent	Mr Kevin Ayrton (1250917)
Email Address	[REDACTED]
Company / Organisation	George F White
Address	[REDACTED] [REDACTED] [REDACTED]
Consultee	Mrs Jennifer Bradley (1173412)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mrs Jennifer Bradley (1173412)
Comment ID	DBLPPS374
Response Date	17/09/20 13:18
Consultation Point	Site 410 - Snipe Lane, Hurworth Moor (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	WOL608519-02.pdf Letter or Representation - Publication Version.pdf
Question 1b	
Do you consider that the Local Plan sound?	No
Question 2	
Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)	<input type="checkbox"/> Effective <input type="checkbox"/> Justified
Question 3a	
Your Comments	

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

We act on behalf of Mrs J Bradley, who owns land that forms part of the proposed strategic residential allocation (LPA Ref: 410) at 'Snipe Lane, Hurworth Moor'. The extent of our client's ownership can be seen on the enclosed plan.

The site was included as an allocation in the previous draft Preferred Options version of the Local Plan published June 2018. The draft allocation identified a 33.6 hectares site, with an indicative site yield of 882 dwellings.

Since the publication of the previous draft version of the Local Plan the Council has resolved to approve planning permission (20/00196/FUL) for housing development on their own land, which is included in the same draft allocation. The resolution was made despite clear conflict with the development plan and significant concerns raised by councillors, most notably in respect of the conflict with the development plan and lack of integration between private and affordable housing, which are to be provided in two distinct blocks. The scheme was for a total of 449 dwellings, including 294 affordable dwellings. We submitted representations to the LPA during the consideration of the application highlighting our disappointment that the Council as landowner was submitting an application that was in direct conflict with the adopted development plan and failed to give full and proper consideration to the emerging wider allocation, thereby reducing the effectiveness of the Council's own local plan preparation.

However, before the Council is able to issue the decision notice, further issues still need to be resolved, including an outstanding objection from Highways England and agreeing a mechanism to secure developer contributions. Therefore, for the purposes of the emerging local plan, the scheme cannot be viewed as a commitment. We also understand that the Council will need to go down the CPO route in order to provide the highway infrastructure to serve the development, with no certainty that this will be successful.

The current Proposed Submission version of the Local Plan continues to allocate the land at Snipe Lane for residential development under policy H2. The reference number has been changed to 410 and the extent of the allocation as shown on the draft Policies Map remains unchanged from the previous draft version of the Plan. However, the indicative yield has been reduced to 700 dwellings and an overall site area of 34.47 hectares. By way of comparison, the previous draft version of the draft Local Plan identified an indicative yield of 882 dwellings and an overall site area of 33.6 hectares. Based on the information that has been made available on the consultation portal, including the HEELA (March 2018) which identifies an indicative yield of 882 dwellings, it is unclear why the site area has increased, but the dwelling numbers have decreased.

Following contact with the Council to query this, we have obtained an extract from an updated 2019 version of the HEELA, which does not form part of the available evidence base on the consultation portal. This confirms that when the estimated yield is calculated using the Council's standard methodology, the indicative yield is 882 dwellings. However, a later entry (section 65) in the site assessment allows the Council to add a different entry if they consider this to be different. A figure of 700 has been added, with the comment simply stating 'As in Draft Local Plan and trajectory'. No further justification has been provided. However we would have expected the site assessment in the HEELA to inform the Draft Local Plan, not the other way round.

As far as we are aware, and based on the submitted evidence, there is no reason to reduce the indicative yield from 882.

Appendix B of the Proposed Submission Version of the Local Plan includes a Housing Allocation Statement for site 410 – Snipe Lane, Hurworth Moor. This again refers to an indicative yield of 700 dwellings. There are several 'Issues and Requirements' listed, which are relatively straightforward. However, the first of these states 'Vehicular access to the site should be taken from Neasham Road'. It is therefore of vital importance that the Council as both local planning authority and a landowner using CPO powers, to ensure that sufficient measures are put in place to avoid parts of the site not coming forward due to lack of planning and focusing too much on the current planning application, which is of a poor quality that conflicts with basic policy requirements (e.g. design quality, creating mixed communities) and fails to give any consideration to the delivery of the wider allocation.

Question 4

Changes Sought

Please Note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. There is the opportunity to attach Word or PDF files before submitting your comment.

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues identified for examination.

Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.

We do not consider that significant changes are required to make the plan sound in relation to proposed site allocation 410. As it stands, there is no evidence or sound reasoning that has been presented that justifies a deviation from the standard methodology for calculating the indicative housing yield. Without this (and a reasonable opportunity to review and comment on it) the yield should return to 882 as set out in the previous draft version of the plan.

We would urge the Local Planning Authority to take the opportunity to ensure that the proposed allocation at site ref 410 is brought forward in a manner that delivers the effective and efficient use of land, delivers infrastructure (e.g. highways, drainage, open space) that serves the entire allocation, and avoids the piecemeal approach that is currently being taken by the Council as landowner. This can be achieved in the 'Issues and Requirements' section of the Housing Allocation Statement.

Question 5

Attendance at Examination Hearings

If your representation is seeking a change, do you consider it necessary to participate in the examination hearings? Yes, I wish to participate at the examination hearings

Question 5a

Participation at Examination Hearings

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings.

If you wish to participate at the examination hearings, please outline why you consider it to be necessary?

Based on the information available on the consultation portal, it is not clear as to how the indicative yield for the proposed allocation has been set. There is also concern that the Council has not fully understood the land ownership of the proposed allocation (e.g. the HEELA states that it is in single ownership) and focused too much on the part of the site owned by the Council. Whilst this matter is not necessarily complex, it is important to discuss appropriate wording to ensure that the site is brought forward in a coordinated and efficient manner.

Question 6

Do you request to be notified that the Local Plan has been submitted to the Secretary of State for independent examination under section 22(3) of the regulations and to be notified of the adoption of the Local Plan? Yes, I request to be notified

GEORGE F. WHITE

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Bedale	t 01677 425301

Planning Policy
Darlington Borough Council
Development Management
Town Hall
Darlington
DL1 5QT

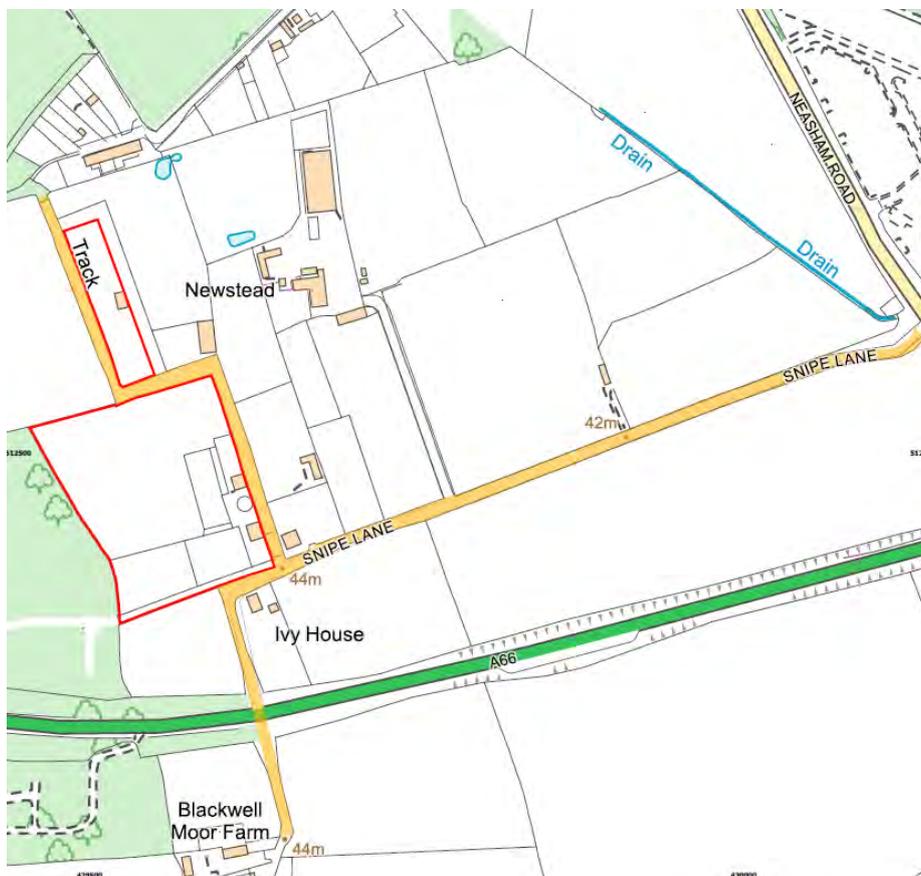
Direct Dial: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]
Our Ref: WOL608519/KA/
Your Ref:
Date: 15 September 2020

By Email

Dear Sir/Madam

DARLINGTON LOCAL PLAN 2016-2036 (REGULATION 19) – REPRESENTATION ON BEHALF OF MRS J BRADLEY IN RELATION TO LAND OFF SNIPE LANE, DARLINGTON

We act on behalf of Mrs J Bradley, who owns land that forms part of the proposed strategic residential allocation (LPA Ref: 410) at 'Snipe Lane, Hurworth Moor'. The extent of our client's ownership can be seen on the plan below.



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A list of members' names is open to inspection at our registered office: 4-6 Market Street, Alwick, Northumberland NE66 1TL
Regulated by RICS. Authorised and regulated by the Financial Conduct Authority for credit-related regulated activities and insurance mediation only.

The site was included as an allocation in the previous draft Preferred Options version of the Local Plan published June 2018. The draft allocation identified a 33.6 hectares site, with an indicative site yield of 882 dwellings. An extract from the 2018 version of the draft Policies Map can be seen below.



Since the publication of the previous draft version of the Local Plan the Council has resolved to approve planning permission (20/00196/FUL) for housing development on their own land, which is included in the same draft allocation. The resolution was made despite clear conflict with the development plan and significant concerns raised by councillors, most notably in respect of the conflict with the development plan and lack of integration between private and affordable housing, which are to be provided in two distinct blocks. The scheme was for a total of 449 dwellings, including 294 affordable dwellings. We submitted representations to the LPA during the consideration of the application highlighting our disappointment that the Council as landowner was submitting an application that was in direct conflict with the adopted development plan and failed to give full and proper consideration to the emerging wider allocation, thereby reducing the effectiveness of the Council's own local plan preparation.

However, before the Council is able to issue the decision notice, further issues still need to be resolved, including an outstanding objection from Highways England and agreeing a mechanism to secure developer contributions. Therefore, for the purposes of the emerging local plan, the scheme cannot be viewed as a commitment. We also understand that the Council will need to go down the CPO route in order to provide the highway infrastructure to serve the development, with no certainty that this will be successful.

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yield is 882 dwellings. However, a later entry (section 65) in the site assessment allows the Council to add a different entry if they consider this to be different. A figure of 700 has been added, with the comment simply stating 'As in Draft Local Plan and trajectory'. No further justification has been provided. However we would have expected the site assessment in the HEELA to inform the Draft Local Plan, not the other way round.

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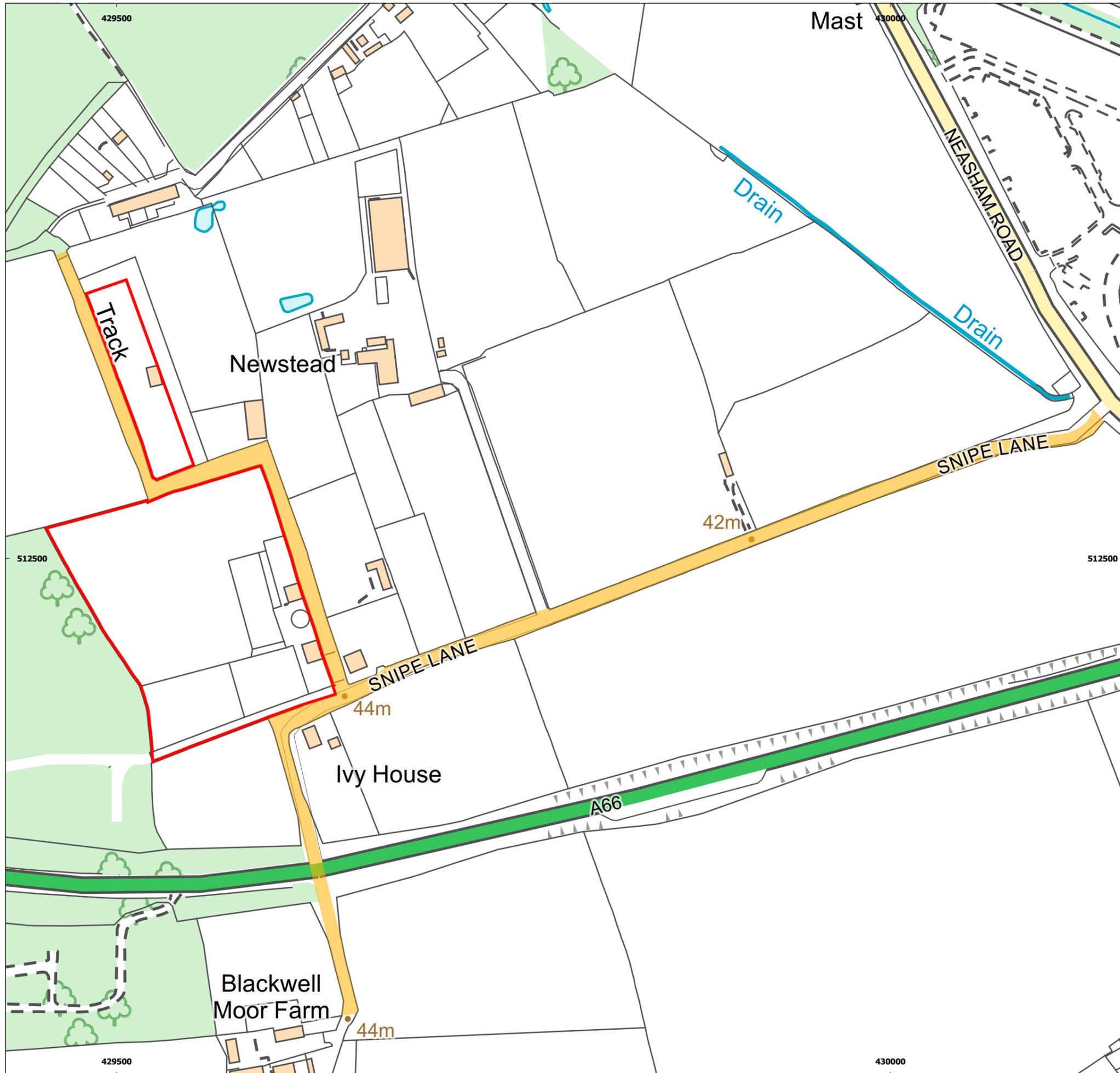
We would urge the Local Planning Authority to take the opportunity to ensure that the proposed allocation at site ref 410 is brought forward in a manner that delivers the effective and efficient use of land, delivers infrastructure (e.g. highways, drainage, open space) that serves the entire allocation, and avoids the piecemeal approach that is currently being taken by the Council as landowner.

Yours faithfully

A solid black rectangular box used to redact the signature of Kevin Ayrton.

Kevin Ayrton MRTPI
Associate

For and on behalf of George F White LLP



Legend

- Site Boundary
6.1 Ac / 2.47 Ha
- Access

N

Scale - 1:2500

0 50 100 150 200 m

Client / Project:
Bradley, J. / Title and Planning Investigations on land around Snipe Lane

Drawing Title:
Site Location Plan

Drawn By: JB	Checked By: AE
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Date: 16.09.2020	Scale: 1:2500 @ A3
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Project Number: WOL608519	File No: -	Dwg No: 02	Revision: -
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Path: 1. Client Projects\B\Bradley, J\WOL608519 - Title and Planning Investigations on Land Around Snipe Lane

- Notes:**
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