

Comment

Agent	Shaun Cuggy (1250833)
Email Address	[REDACTED]
Company / Organisation	Savills (UK) Limited
Address	[REDACTED] [REDACTED] [REDACTED]
Consultee	Tony Cooper (1164272)
Email Address	[REDACTED]
Company / Organisation	Bussey & Armstrong
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS163
Response Date	11/09/20 14:05
Consultation Point	Local Plan Vision (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

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.

Our Client is supportive of the Spatial Vision and the references to having an accessible, well designed range and choice of good quality housing to meet the needs of all existing and future residents.

However, our Client considers that this vision must be followed through, specifically in relation to ensuring that the housing requirement is met for the Borough and that all relevant aspirations and growth targets aren't promoted in isolation but work together, particularly in relation to the jobs growth aspirations and housing targets. Furthermore, these requirements and aspirations should be seen as a minimum and not a cap to growth.

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 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

Question 7

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

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Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS164
Response Date	11/09/20 14:26
Consultation Point	Sustainable Economic Growth (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

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.

Our Client supports the Local Plan's recognition of the "contribution that housebuilding makes to the local economy"¹. Housebuilding contributes directly to the local economy by providing jobs to local

people and through supply chain activity. However, new homes also attract people to or retain them within an area which means businesses have access to new labour and entrepreneurs.

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 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

Question 7

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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS165
Response Date	11/09/20 14:30
Consultation Point	Specific Aims and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

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.

In relation to the specific aims and objectives of the DPSP, our Client supports Aim 2 which seeks to “enable the development of at least 10,000 new homes in order to meet the housing needs and aspirations of those living and working in the borough”.

Further to this, our Client supports the approach taken to identifying and meeting the objectively assessed housing need in Darlington. We support the Council’s approach of identifying a figure based on the economic needs of the authority instead of just the demographic projection which would lead to a fall in working age persons. This approach is in line with national planning policy guidance, namely paragraph 31 of the 2019 NPPF which states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”

Paragraph 10 of the Housing and Economic Development Needs Assessment chapter of the PPG discusses setting higher housing needs figure than required by the standard method, specifically stating that this may be an appropriate approach for areas in which “growth strategies are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth”. The objective of the Council to deliver a level of housing above demographic trends is therefore in line with their economic objectives in accordance with established planning guidance and policy.

There is therefore a clear justification based on national policy for an increase in housing to meet economic objectives.

Our Client fully support the Council’s conclusions with regard to growth in the urban fringe of the Borough and particularly in North West Darlington. We agree with the conclusions of the Council that it is a sustainable location for the future economic and housing growth of the Borough.

Question 5

Attendance at Examination Hearings

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Question 6

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Company / Organisation	Bussey & Armstrong
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Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS166
Response Date	11/09/20 14:34
Consultation Point	Policy H 1 Housing Requirement (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
Question 1c	

Do you consider that the Local Plan complies with the Duty to Cooperate? Yes

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

Policy H1 states "Housing will be delivered to meet a minimum requirement of 422 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net minimum requirement of 8,440 dwellings" (Savills emphasis). Additionally to this the Policy states "The Local Planning Authority also has a Local Plan housing target of 492 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net target of 9,840 dwellings over the plan period". This notably increased housing number is derived from, and facilitates, Darlington's broad economic objectives involving the creation of 7,000 full time equivalent jobs over the plan period.

Our Client supports the approach taken to identifying and meeting the objectively assessed housing need in Darlington. They also support the Council's approach of identifying a figure based on the economic needs of the authority not the demographic projection which would lead to a fall in working age persons. This approach is in line with established Planning Practice Guidance.

In summary, our Client considers that Policy 1 is sound, as it is clearly justified and positively prepared to meet the objectives of the Borough.

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 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

Question 7

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Company / Organisation	Bussey & Armstrong
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS167
Response Date	11/09/20 14:37
Consultation Point	Policy H 2 Housing Allocations (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

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.

See pg6 of attached submission

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.

See pg6 of attached submission

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 6

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Question 7

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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS168
Response Date	11/09/20 14:41
Consultation Point	Policy H 3 Development Limits (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf
Question 1b	
Do you consider that the Local Plan sound?	Yes
Question 2	
Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)	
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.

Policy H3 identifies the limits in which development will be acceptable in principle subject to compliance with the relevant local and national planning policies. Our Client supports the inclusion of the land at WPGV 'North' within the identified settlement limits. We consider the inclusion of the land is clearly justified and therefore sound as it forms a logical 'rounding off' to the extent of built development proposed by WPGV and Greater Faverdale, having clear sustainability benefits.

Furthermore, the identification of the Site within the Development Limits would allow for the Site to come forward as 'windfall' development, subject to the proposals accordance with other relevant policies, and contribute towards meeting the net minimum housing requirement within the plan period, should the Site not be allocated for residential development under policy H2 as advocated.

Question 5

Attendance at Examination Hearings

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Question 6

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Question 7

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Company / Organisation	Bussey & Armstrong
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS169
Response Date	11/09/20 14:46
Consultation Point	Policy H 4 Housing Mix (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).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 checked="" 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.

Whilst our Client welcomes the objective of Policy H4 for securing a mix of housing types, sizes and tenures which are appropriate to local needs, concerns are present regarding the optional technical housing standards includes for the delivery of 80% of new homes as category M4(2) and 9% as category M4(3) as part of all new applications for new build homes. Our Client considered these requirements are prohibitive, unjustified and result in the policy being unsound.

A Ministerial Statement dated 25th March 2015 stated that “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 National Planning Policy Framework and Planning Guidance.” (Savills emphasis).

In the 2015 SHMA, the justification for the inclusion of the requirements for category M4(2) is founded on the expectation that the proportion of the population in older age groups is “projected to increase during the Plan period, including among those aged 75 or over.”² Regarding the category M1(3) requirement, the SHMA justifies this figure by referencing the data point within the ‘Guide to available disability data’ published by the CLG that shows 3.3% of households have at least one wheelchair user, reiterating that this too should be expected to increase over the plan period³. We consider that the above evidence does not sufficiently justify, or substantiate the need for such a significant for, a significant proportion of new dwellings requiring these optional housing standards, especially when compared to neighbouring north east authorities.

Whilst the above method of justifying optional housing standards is referenced by the 2015 Ministerial Statement and the PPG as worthwhile being taken into account, given the borough-wide scope of this policy and the high requirement set out, we consider that the evidence underpinning this requirement is severely lacking in detail and fails to justify the requirement of optional higher standards for accessible homes. As such, our Client considers that this policy is unjustified and therefore unsound.

Question 5

Attendance at Examination Hearings

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Question 6

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Question 7

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Company / Organisation	Bussey & Armstrong
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Bussey & Armstrong (Tony Cooper - 1164272)
Comment ID	DBLPPS170
Response Date	11/09/20 14:51
Consultation Point	Policy H 5 Affordable Housing (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DPSLP Representations - Bussey Armstrong 11.09.20 (002).pdf
Question 1b	
Do you consider that the Local Plan sound?	Yes
Question 2	
Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)	
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.

Policy H5 states that to meet the “needs of people who are not able to access the general housing market, the provision of affordable housing will be expected in residential development schemes of 10 or more dwellings”. The level and type of affordable housing required is then distributed by ward as follows:

Location (wards) Affordable Requirement
Bank Top and Lascelles, Northgate, Park East, Stephenson. 10%
Brinkburn and Faverdale, Cockerton, College, Eastbourne, Harrowgate Hill, Haughton and Springfield, Heighington and Coniscliffe, North Road, Pierremont, Red Hall and Lingfield, Sadberge and Middleton St George and Whinfield. 20%
Hummersknott, Hurworth, Mowden and Park West. 30%

Our Client generally supports the area-based approach to determining the appropriate expected provision of affordable housing in response to identified need. We consider this approach is reasonably founded upon the conclusions of the 2015 SHMA and is also reasonably underpinned by the Council's wider ambitious housing and economic growth objectives.

Additionally, our client also welcomes the flexible approach taken by the Council regarding site viability in the final paragraph of the policy which states that:

“Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make a scheme unviable, they must submit a detailed viability assessment to demonstrate that this is the case and to show the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable.”

We consider this measure will be effective in ensuring the maximum possible provision of affordable housing, whilst avoiding unreasonably restricting the viability of prospective development, which could have the potential to undermine the Borough's wider plan objectives. Given the above, we consider Policy H5 as currently drafted is clearly justified, positively prepared, and therefore sound.

Question 5

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Question 6

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Representations to the Darlington Proposed Submission Local Plan

West Park Garden Village 'North'



Contents

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1. Introduction

- 1.1 These representations have been prepared by Savills (UK) Ltd on behalf of Bussey & Armstrong (“our Client”) in response to the Darlington Proposed Submission Local Plan 2020 (‘DPSLP’) consultation (Regulation 19).
- 1.2 These representations have been submitted to support the proposed residential allocation of land adjacent to the north of West Park Garden Village and to provide comments on the general approach and strategy of the plan relating to matters on housing requirement, allocations, Development Limits and others.
- 1.3 Our Client has not previously made representations to emerging Local Plan in respect of this site or the other relevant matters, however they feel it is now relevant and appropriate to make representations at this stage as they are committed to ensuring the emerging Local Plan is prepared on a sound and robust basis. In particular, they wish to ensure that the correct provision of housing and housing allocations are provided throughout the plan period to meet the social and economic needs of the Borough.

The National Planning Context and Basis of These Representations

- 1.4 The NPPF (2019) and PPG constitute the national planning policy regime and the CDPPSD will need to be found sound in accordance with these policies. The NPPF states, at paragraph 35, that Local Plans will be found sound if they are:
- Positively prepared - *“providing a strategy which, **as a minimum, seeks to meet the area’s objectively assessed needs**; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”*
 - Justified - *“an appropriate strategy, taking into account the **reasonable alternatives**, and **based on proportionate evidence**”*
 - Effective - *“**deliverable over the plan period**, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground”*
 - Consistent with national policy – *“**enabling the delivery of sustainable development in accordance with the policies in this framework**”*
- 1.5 These representations look to provide comments on whether our Client considers the plan to be legally and procedurally compliant and sound.
- 1.6 The following sections of this report are arranged as follows:

Darlington Proposed Submission Local Plan Representations

West Park Garden Village 'North'



- Section 2: Provides background to our Client's land interests at West Park Garden Village;
- Section 3: Provides a response to the relevant policies in the Darlington Proposed Submission Local Plan; and
- Section 4: Concludes and summarises the representations.



2. Site Context

- 2.1. These representations are made with regard to our Clients land interests at the northern edge of West Park Garden Village, referred to as WPGV 'North' or 'the Site'. A Site Location Plan is provided at **Appendix 1**.
- 2.2. The Site lies on the north western edge of Darlington and is adjacent to the northern edge of the wider West Park Garden Village development and is approximately 4ha in size and capable of accommodating approximately 120 dwellings. The Site comprises open agricultural land and contains no physical features or structures with the exception of some boundary vegetation and trees. The Site is bound by the A1(M) to the north-west and the A68 West Auckland Road to the north-east. The Site can be accessed via estate roads within West Park Garden Village to the south and there are a number of bus services operating throughout the wider development, with the nearest approx. 450m from the Site on Edward Pease Way. The Site also has strong pedestrian and cycle path connections to the surrounding area.
- 2.3. Development within the adjacent West Park Garden Village is well progressed, with further phases of development under construction. The development also contains a number of services and facilities which include supermarkets (The Co-operative Food, M&S Food and Aldi), a pharmacy, public house (The White Heifer), other retail units, a primary school, West Park Hospital and West Park Nature Reserve. The Site also benefits from good accessibility to the highway network providing access to Darlington town centre, key employment locations and the wider Tees Valley area.

Planning History

- 2.4. The Site and surrounding area has been subject to a number of planning applications as set out below:

WPGV 'North'

Application Reference	Description of Proposals	Decision Date
19/00767/OUT	Outline application for residential development comprising 107 dwellings with all matters reserved	Withdrawn Nov 2019

- 2.5. The above planning application was lodged in August 2019 and then withdrawn in November 2019 prior to it being determined by the Council. Whilst the application had been considered by the statutory consultees, with no in principle objections raised (see further details at section 3), it is understood that the Council could not support the application due to the extant policy position. At the time of the planning applications determination the application site lay outside of the Development Limits as defined within the adopted Development Plan (Policy E2). Whilst the Draft version of the emerging Local Plan had been consulted upon in summer 2018, which showed the Development Limits redrawn so as to include the application site, it is understood that the Council felt they could not apply weight to the emerging policies in order to support the proposals and that the application would be refused on the grounds of it falling outside the Development Limits.

Darlington Proposed Submission Local Plan Representations

West Park Garden Village 'North'



2.6. As such, our Client felt it was prudent to withdraw the application at this point in order to await either the publication of the Proposed Submission Local Plan or its subsequent adoption in order for the emerging policy position to be afforded greater weight by the Council subject to its accordance with paragraph 49 of the NPPF and the test of prematurity.

WPGV

Application Reference	Description of Proposals	Decision Date
01/00020/OUTE	Outline Application for reclamation of derelict land, provision of public open space and development for residential, sports and recreation, community and health care purposes, together with ancillary highways and landscaping works.	Approved Feb 2002
15/00450/OUT	Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields	Approved Oct 2018
19/00182/RM1	Reserved matters relating to details of access, appearance, landscaping, layout and scale for residential development comprising 464 no dwellings at Stag House Farm (Phases 1 - 5)	Approved June 2019
19/00793/RM1	Reserved matters relating to access, layout, scale, appearance and landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 108 no. dwellings and garages, associated landscaping and infrastructure	Approved Nov 2019
19/00606/RM1	Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 98 no. dwellings and garaging with associated landscaping and ancillary works	Approved Oct 2019
20/00364/RM1	Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 38 no. dwellings with associated landscaping and infrastructure	Awaiting Decision

3 Commentary: Regulation 19 Proposed Submission Local Plan

Specific Aims and Objectives

- 3.1. Our Client is supportive of the Spatial Vision and the references to having an accessible, well designed range and choice of good quality housing to meet the needs of all existing and future residents. However, our Client considers that this vision must be followed through, specifically in relation to ensuring that the housing requirement is met for the Borough and that all relevant aspirations and growth targets aren't promoted in isolation but work together, particularly in relation to the jobs growth aspirations and housing targets. Furthermore, these requirements and aspirations should be seen as a minimum and not a cap to growth.
- 3.2. Our Client supports the Local Plan's recognition of *the "contribution that housebuilding makes to the local economy"*¹. Housebuilding contributes directly to the local economy by providing jobs to local people and through supply chain activity. However, new homes also attract people to or retain them within an area which means businesses have access to new labour and entrepreneurs.
- 3.3. In relation to the specific aims and objectives of the DPSLP, our Client supports Aim 2 which seeks to *"enable the development of at least 10,000 new homes in order to meet the housing needs and aspirations of those living and working in the borough"*.
- 3.4. Further to this, our Client supports the approach taken to identifying and meeting the objectively assessed housing need in Darlington. We support the Council's approach of identifying a figure based on the economic needs of the authority instead of just the demographic projection which would lead to a fall in working age persons. This approach is in line with national planning policy guidance, namely paragraph 31 of the 2019 NPPF which states that *"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."*
- 3.5. Paragraph 10 of the Housing and Economic Development Needs Assessment chapter of the PPG discusses setting higher housing needs figure than required by the standard method, specifically stating that this may be an appropriate approach for areas in which *"growth strategies are likely to be deliverable, for example where funding is in place to **promote and facilitate additional growth**"*. The objective of the Council to deliver a level of housing above demographic trends is therefore in line with their economic objectives in accordance with established planning guidance and policy.
- 3.6. There is therefore a clear justification based on national policy for an increase in housing to meet economic objectives.

¹ Darlington Borough Local Plan 2016-2036 Proposed Submission Local Plan August 2020, paragraph 1.7.2

- 3.7. Our Client fully support the Council's conclusions with regard to growth in the urban fringe of the Borough and particularly in North West Darlington. We agree with the conclusions of the Council that it is a sustainable location for the future economic and housing growth of the Borough.

Policy H1: Housing Requirement (Strategic Policy)

- 3.8. Policy H1 states "*Housing will be delivered to meet a minimum requirement of 422 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net **minimum requirement** of 8,440 dwellings*" (Savills emphasis). Additionally to this the Policy states "*The Local Planning Authority also has a Local Plan housing target of 492 net additional dwellings per annum over the plan period from 2016 to 2036. This results in a total net **target** of 9,840 dwellings over the plan period*". This notably increased housing number is derived from, and facilitates, Darlington's broad economic objectives involving the creation of 7,000 full time equivalent jobs over the plan period.
- 3.9. Our Client supports the approach taken to identifying and meeting the objectively assessed housing need in Darlington. They also support the Council's approach of identifying a figure based on the economic needs of the authority not the demographic projection which would lead to a fall in working age persons. This approach is in line with established Planning Practice Guidance.
- 3.10. In summary, our Client considers that Policy 1 is **sound**, as it is clearly justified and positively prepared to meet the objectives of the Borough.

Policy H2: Housing Allocations (Strategic Policy)

- 3.11. Policy H2 looks to allocate land to meet the housing requirement in Policy H1, taking into account existing commitments since 2016. Whilst we recognise the pragmatic decision the Council has come to regarding the use of 'indicative yields' for the allocated sites, we consider that there needs to be a recognition that yields may differ, potentially significantly, from the indicative yields in this policy and could result in an under delivery of housing. As a result, our Client considers that the allocation of their Site at WPGV 'North' would provide greater flexibility, ensuring that the total net minimum requirement of 8,440 dwellings is met and thereby further supporting the soundness of Policy H2. Further details are provided below on why we consider that the Site is suitable, available and achievable for residential development and should be allocated as such within the Local Plan.

Land at West Park Garden Village 'North'

- 3.12. Our Client's land interests at WPGV 'North' have been previously assessed within the HELAA (2017) separately from the adjacent West Park and Faverdale garden villages. The Site is shown in figure 3.1 below (Site ref: 390).

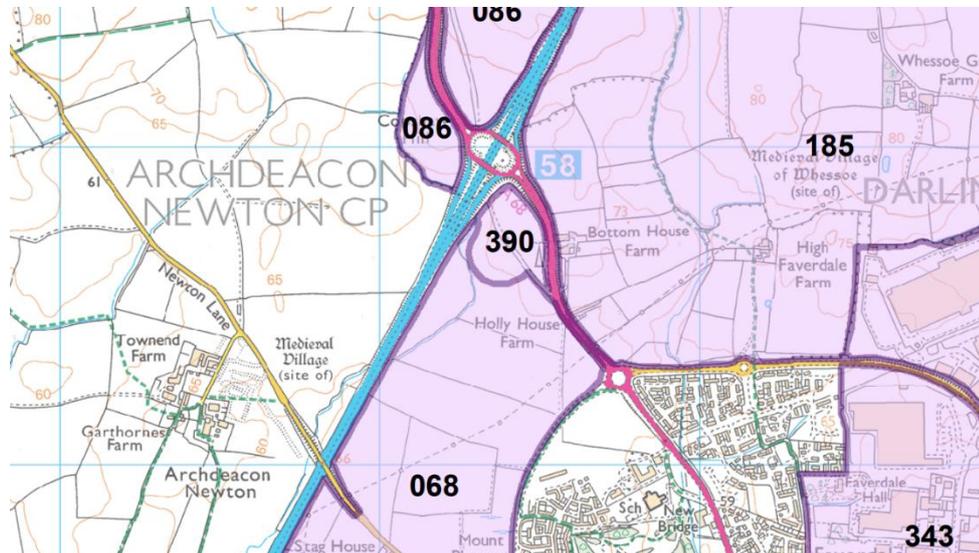


Figure 3.1: HELAA (2017) Extract showing WPGV 'North' (Site ref: 390)

- 3.13. Though the Site was originally recognised within the HELAA assessment as being promoted for a mixed use, a number of changes have taken place since this initial assessment. As the Site lies within the northern edge of the wider WPGV and does not benefit from direct access to either the A68/A1(M) with vehicle access needing to be taken via the neighbouring residential areas of the WPGV, it is not considered that the Site would be suitable for employment or commercial uses. It is also considered that the use of the Site for commercial or employment uses could adversely impact on the amenity of the neighbouring residential areas which would be contrary to emerging policy DC4. In addition, given the Sites proximity to the proposed Greater Faverdale strategic allocation, which will provide 200,00 sqm of employment space, it is not considered that developing this Site for employment uses would be appropriate. As such, our Client considers that it would be more appropriate and suitable to develop the Site for residential purposes as this would be in keeping with the Sites location, surrounding context and character.
- 3.14. The Site was identified as being suitable, available and achievable for a *“Mixed Use (Residential / Commercial) Over 15 years”*. This conclusion was founded on the basis that the Site could reasonably come forwards after the “development process” had concluded for West Park Garden Village (068 in Figure 3.1). Within the HELAA, the Site was confirmed to not be subject to any prohibitive environmental constraints and suitable as a further extension to West Park Garden Village.
- 3.15. Given the importance of this assessment when determining the sustainability and suitability of the Site for residential development, our Client disagrees with the outcome of the assessment and believes that it should be reviewed.
- 3.16. Table 3.1 below provides commentary on how the Site was considered in the HELAA previously and provides responses, where appropriate, to those assessments that our Client considers are inaccurate or unjustified in order to confirm that it remains suitable, available and achievable for residential development:

Darlington Proposed Submission Local Plan Representations

West Park Garden Village 'North'



Suitability			
<i>Criteria</i>	<i>Response</i>	<i>Council Comment</i>	<i>Our Comment</i>
11. The nearest GP is within 1km	No	n/a	Sections of the Site are within 1km of the West Park hospital to the south east, with the remaining site areas being a maximum of 1.3km away.
22. Outside of development limits	Yes	n/a	The Site has now been revisited and is located within the Development Limits of Darlington as defined under emerging Policy H3.
23. Is it used or safeguarded for employment purposes	No	n/a	The Site is not used or safeguarded for employment purposes. It is our Client's intention to develop the Site for residential purposes.
30. Is the Site adjacent to potentially incompatible neighbouring uses	Yes	<i>A1(M) Noise</i>	We consider that the potential for noise from the A1 (M) impacting upon the amenity of future residents could be appropriate mitigated against, if necessary, with detailed proposals to be developed at a future planning application stage. A Noise Assessment was also submitted alongside the now withdrawn planning application which confirmed that suitable levels of amenity for future residents can be achieved and pose no restriction to the development, subject to appropriate mitigation.
Summary: The original assessment of the Site found that it was suitable for development. We consider that the above changes to the Sites context since the time of the last review has only strengthened the suitability of the Site for residential development.			
Availability			
<i>Criteria</i>	<i>Response</i>	<i>Council Comment</i>	<i>Our Comment</i>
37. Satisfactory access can be achieved	Yes	<i>Depending on use though</i>	Appropriate access into the Site will be created by the consented development (LPA ref:15/00450/OUT) with an access road capable of serving the Site being delivered by the end of 2021.
38-42. Water Infrastructure "there is a limited water capacity"	Yes	n/a	As demonstrated through the consultee response from Northumbria Water and the LLFA to the planning application, water capacity at the Site is not limited and the Site would form part of the wider WPGV overall drainage strategy. Further details are provided within the Drainage Philosophy submitted alongside the now withdrawn planning application.
43-47. Sewerage Infrastructure "there is a limited sewerage capacity"	Yes	n/a	As demonstrated through the consultee response from Northumbria Water and the LLFA to the planning application, sewerage capacity at the Site is not limited and the Site would form part of the wider WPGV overall drainage strategy. Further details are provided within the Drainage Philosophy submitted alongside the now withdrawn planning application.

Darlington Proposed Submission Local Plan Representations

West Park Garden Village 'North'



<p>48. There are major perceived network implications that would unlikely be resolvable through planning obligation funding.</p>	<p>Yes</p>	<p><i>Link West Park Hospital to Newton Lane / Traffic Flow A 68 to A 1(M)</i></p>	<p>A new link road between Edward Peaseway and Newton Lane including an upgrade of Newton Lane and roundabout were completed and adopted on 3rd September 2020. The now withdrawn planning application demonstrated, via the Transport Statement, that the proposals were acceptable in highways terms. Furthermore, Highways England offered no objection to the proposals in terms of their impact on the strategic road network and the A1(M). As such, there are no major network implications attributed to the proposed development of the Site for residential use.</p>
<p>Summary: The original assessment of the Site found that it was available for development. We have demonstrated above that issues previously identified in the HELAA assessment are either no longer applicable or can be appropriately addressed and/or mitigated as demonstrated by the now withdrawn planning application. The Site remains available for development.</p>			
<p>Availability</p>			
<p><i>Criteria</i></p>	<p><i>Response</i></p>	<p><i>Council Comment</i></p>	<p><i>Our Comment</i></p>
<p>52. Deliverability "6-10 years"</p>	<p>No</p>	<p>n/a</p>	<p>The Site could be delivered between 2026-2030 which falls within years 6-10 of the plan period.</p>
<p>54. Deliverability "More than 15 years"</p>	<p>Yes</p>	<p>n/a</p>	<p>Our Client considers that the Site can be delivered between the years 2026-2030 which is within the plan period. Further information is provided at Appendix 2 which sets out the indicative delivery programme and delivery rates for the completion of the wider WPGV development and the Site. This confirms that the wider WPGV including WPGV 'North' will be delivered by 2030.</p>
<p>55. B Class Uses (B1 / B2 / B8) 56. Other Commercial Uses</p>	<p>Yes Yes</p>	<p>n/a</p>	<p>As the Site lies within the northern edge of the wider WPGV and does not benefit from direct access to either the A68/A1(M) with vehicle access needing to be taken via the neighbouring residential areas of WPGV, it is not considered that the Site would be suitable for employment or commercial uses. In addition, the Site lies adjacent to the Greater Faverdale site which is allocated to deliver 200,000sqm of employment space. As such, a residential use at the Site is clearly the most appropriate.</p>
<p>62-64. Development Type "Housing as part of mixed-use development"</p>	<p>Yes</p>	<p>n/a</p>	
<p>59. Affordable Housing</p>	<p>No</p>	<p>n/a</p>	<p>Our Client considers that alongside the delivery of mid-market and lower-cost market housing, the Site would also be suitable for affordable housing and could deliver the 20% as required by policy H5.</p>
<p>65. If different, what is your actual dwelling estimate / sqm estimate for the Site</p>	<p>150/4,000 sqm</p>	<p><i>After West Park Garden Village (Site 068) development process</i></p>	<p>Our Client considers that the Site can deliver approx. 120 homes between the years 2026-2030. The information provided at Appendix 2 confirms the indicative delivery programme and delivery rates for the Site. This confirms that the Site will deliver approx. 120 homes by 2030.</p>

Summary: The original assessment of the Site found that it was suitable, available and achievable for mixed use (residential/commercial) development over 15 years. We have demonstrated above that the Site is suitable for residential development only and would be able to deliver lower-cost and mid-market housing and affordable housing. The Site could also be delivered within the plan period, specifically within years 6-10 between 2026 and 2030.

- 3.17. Table 3.1 above demonstrates how the key issues/concerns that were identified in the HELAA could be addressed whilst confirming that the Site remains deliverable for residential development. Concerns that are raised on some of the assessment could be appropriately addressed through further assessment and/or mitigation at the planning application stage if not already done so by the above information and the withdrawn planning application. We therefore consider the Site to be suitable, available and deliverable for residential development and would encourage the Council to review the HELAA assessment in light of this information.
- 3.18. The Delivery Programme & Delivery Rates set out at **Appendix 2**, along with the WPGV Phasing Plan at **Appendix 3**, demonstrate how the wider WPGV development will be delivered and at what rate. As shown, access to the Site will be provided via the main distributor road (Mortimer Wheeler Drive) which will be constructed prior to the commencement of work on development cells 7/8/9/10 and the Site. This means that the Site could be developed out between 2026-2030.
- 3.19. An application was previously submitted to the Council for “*residential development comprising 107 dwellings with all matters reserved.*” (LPA ref: 19/00767/OUT). Further to the technical assessments undertaken as part of the HELAA, as part of this application the proposed scheme was reviewed by various technical consultees who provided comments on the technical acceptability of the outline proposals. A summary of the responses received is shown in Table 3.2 below:

Consultee	Summary of Response
Highways England	No objection subject to monitoring and Section 106 agreement.
Transport Planning Team	<ul style="list-style-type: none"> - Site will only be accessible when committed development and infrastructure is built south of the Site - Transport Plan required - Requests for developer contributions
Environmental Health	No principle objections raised. Requests made for further information.
Lead Local Flood Authority	No principle objections raised. Requested further information relating to the management of surface water runoff.
Archaeology	No principle objections raised. Requested further investigative work to be done including agreeing a Written Scheme of Investigation and Trial Trenching.
Northern Gas	No objection.
Northumbrian Water	No principle objections raised. Request made for detailed drainage scheme.

Figure 3.2: Schedule of Consultee Comments Received on Previous Outline Application 19/00767/OUT

- 3.20. Following the receipt of the responses from the relevant technical consultees, whilst further information was requested, no in-principle objections were raised to the principle of residential development on the Site. This demonstrates that subject to the submission of additional technical information and/or mitigation the Site is acceptable in principle for residential use. We therefore consider that this helps demonstrate that the Site is suitable, achievable and available for residential development and that it should be allocated as a housing site under policy H2.
- 3.21. Our Client considers that the Site would be a logical residential site given its location adjacent to the northern edge of the wider WPGV development and bounded by the A68/A1(M) to the north, east and west. Furthermore, land beyond to the A68 to the north also forms part of the Greater Faverdale strategic allocation meaning that this Site appears as a topographical anomaly and would potentially remain as an area of undeveloped land between an existing strategic commit and a proposed strategic allocation despite being identified by the Council within the HELAA as being deliverable. The Site would form a logical extension and 'rounding off' of the WPGV commitment and an area of infill development between WPGV and Greater Faverdale.
- 3.22. In light of the above we consider that Policy H2 should be amended to include our Client's site, which is currently not allocated for residential development, as a logical extension to the WPGV commitment. Our Client considers that the Site should be identified as a residential allocation with an indicative yield of 120 units in order to meet the net minimum housing target within the plan period.

Policy H3: Development Limits (Strategic Policy)

- 3.23. Policy H3 identifies the limits in which development will be acceptable in principle subject to compliance with the relevant local and national planning policies. Our Client supports the inclusion of the land at WPGV 'North' within the identified settlement limits. We consider the inclusion of the land is clearly justified and therefore **sound** as it forms a logical 'rounding off' to the extent of built development proposed by WPGV and Greater Faverdale, having clear sustainability benefits.
- 3.24. Furthermore, the identification of the Site within the Development Limits would allow for the Site to come forward as 'windfall' development, subject to the proposals accordance with other relevant policies, and contribute towards meeting the net minimum housing requirement within the plan period, should the Site not be allocated for residential development under policy H2 as advocated.

Policy H4: Housing Mix

- 3.25. Whilst our Client welcomes the objective of Policy H4 for securing a mix of housing types, sizes and tenures which are appropriate to local needs, concerns are present regarding the optional technical housing standards includes for the delivery of 80% of new homes as category M4(2) and 9% as category M4(3) as part of all new applications for new build homes. Our Client considered these requirements are prohibitive, unjustified and result in the policy being **unsound**.
- 3.26. A Ministerial Statement dated 25th March 2015 stated that "*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 National Planning Policy Framework and Planning Guidance.” (Savills emphasis).

- 3.27. In the 2015 SHMA, the justification for the inclusion of the requirements for category M4(2) is founded on the expectation that the proportion of the population in older age groups is “*projected to increase during the Plan period, including among those aged 75 or over.*”². Regarding the category M1(3) requirement, the SHMA justifies this figure by referencing the data point within the ‘Guide to available disability data’ published by the CLG that shows 3.3% of households have at least one wheelchair user, reiterating that this too should be expected to increase over the plan period³. We consider that the above evidence does not sufficiently justify, or substantiate the need for such a significant for, a significant proportion of new dwellings requiring these optional housing standards, especially when compared to neighbouring north east authorities.
- 3.28. Whilst the above method of justifying optional housing standards is referenced by the 2015 Ministerial Statement and the PPG as worthwhile being taken into account, given the borough-wide scope of this policy and the high requirement set out, we consider that the evidence underpinning this requirement is severely lacking in detail and fails to justify the requirement of optional higher standards for accessible homes. As such, our Client considers that this policy is unjustified and therefore **unsound**.

Policy H5: Affordable Housing (Strategic Policy)

- 3.29. Policy H5 states that to meet the “*needs of people who are not able to access the general housing market, the provision of affordable housing will be expected in residential development schemes of 10 or more dwellings.*”. The level and type of affordable housing required is then distributed by ward as follows:

Location (wards)	Affordable Requirement
Bank Top and Lascelles, Northgate, Park East, Stephenson.	10%
Brinkburn and Faverdale, Cockerton, College, Eastbourne, Harrowgate Hill, Haughton and Springfield, Heighington and Coniscliffe, North Road, Pierremont, Red Hall and Lingfield, Sadberge and Middleton St George and Whinfield.	20%
Hummersknott, Hurworth, Mowden and Park West.	30%

- 3.30. Our Client generally supports the area-based approach to determining the appropriate expected provision of affordable housing in response to identified need. We consider this approach is reasonably founded upon the conclusions of the 2015 SHMA and is also reasonably underpinned by the Council’s wider ambitious housing and economic growth objectives.
- 3.31. Additionally, our client also welcomes the flexible approach taken by the Council regarding site viability in the final paragraph of the policy which states that:

² Darlington Strategic Housing Market Assessment 2015 – Report of Findings: Part 2, para 7.19

³ As above, para 7.20

"Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make a scheme unviable, they must submit a detailed viability assessment to demonstrate that this is the case and to show the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable."

- 3.32. We consider this measure will be effective in ensuring the maximum possible provision of affordable housing, whilst avoiding unreasonably restricting the viability of prospective development, which could have the potential to undermine the Borough's wider plan objectives. Given the above, we consider Policy H5 as currently drafted is clearly justified, positively prepared, and therefore **sound**.

4 Summary and Conclusions

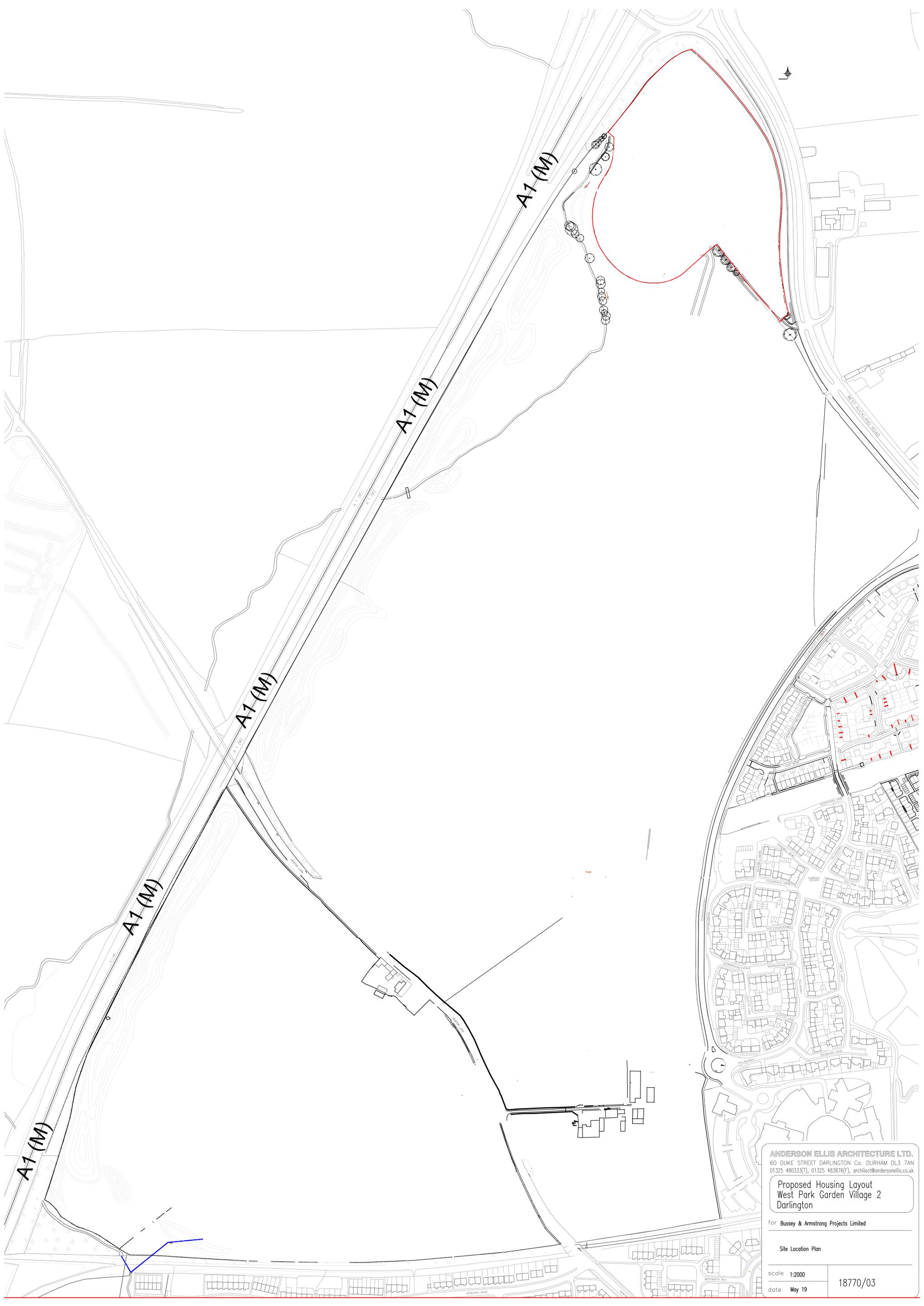
- 4.1. These representations have been prepared on behalf of Bussey & Armstrong and set out their comments on the Darlington Proposed Submission Local Plan. These representations raise some concerns and objections in relation to the housing allocations and housing mix which our Client believes remain unjustified.
- 4.2. Our Client supports the aims and objectives of the plans and commends the Council on their positive approach towards employment and housing growth, specifically proposals under policy H1 to deliver a net minimum housing requirement of 8,440 homes over the plan period. Whilst our Client broadly supports the housing allocations set out under policy H3, they feel that the process undertaken to identify and assess sites and in particular the lack of evidence and methodology justifying why some sites have been discounted, should be reviewed. Our Clients site at WPGV 'North' appears as a topographical anomaly on the northern edge of the wider WPGV development and also appears as an area of infill between WPGV and the Greater Faverdale strategic allocation to the north of the A68. As a result of the Sites location at the northern edge of WPGV, its lack of direct access to the A68/A1(M) and its proximity and setting adjacent to approved residential development, it is considered that the Site would not be suitable for mixed use or employment/commercial development as assessed in the Local Plan evidence base (HELAA 2017). Yet, despite the Site being identified as suitable, available and achievable for mixed use development, it has not been brought forward as either a residential or employment allocation.
- 4.3. These representations have sought to demonstrate how the Site would form a logical 'rounding off' or infill to the wider WPGV and that it is suitable for residential development as opposed to employment or commercial uses. We have also sought to demonstrate how the minor negative assessment scores within the HELAA are either no longer applicable or could be appropriately addressed/mitigated as a result of supporting technical information and comments received on the now withdrawn outline planning application which sought consent for the delivery of 107 dwellings on the Site. Our Client considers that the HELAA assessment should be revisited in light of these comments and the technical information provided.
- 4.4. Our Client's site is well related to existing/sustainable residential areas and offers the opportunity to deliver high quality market and affordable housing that would contribute towards achieving the net minimum housing requirement and should be included as a housing allocation under policy H2 with an indicative yield of 120 homes.
- 4.5. We trust that our Client's comments will be duly considered and that the outstanding issues can be addressed in order for a sound, legally and procedurally compliant plan to be brought forward.



Appendices



Appendix 1
Site Location Plan



ANDERSON ELLIS ARCHITECTURE LTD.
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01325 480333(I), 01325 483876(F), architect@andersonellis.co.uk

Proposed Housing Layout
West Park Garden Village 2
Darlington

for Bussey & Armstrong Projects Limited

Site Location Plan

scale	1:2000	18770/03
date	May 19	



Appendix 2

Delivery Programme and Delivery Rates

West Park Garden Village – Indicative Delivery Programme & Delivery Rates

Stag House Farm - This land has reserved matters Planning Permission for 465 houses.

- Homes by Esh commenced construction of 245 homes in 2020 with the remaining development to be completed 2020-2026 (approx. 41 units/ annum)
- Barratt Homes have completed on site highways & drainage infrastructure works and are starting construction 220 homes in September 2020 for completion by 2026 (approx. 40 units/annum).

Mount Pleasant Farm - This land has outline Planning Permission for 735 houses.

- MP1 Gentoo Homes – Reserved Matters consent for 108 homes. Development starting in October 2020 for completion by 2025 (approx. 25 units/annum).
- MP2/3 Thirteen Homes – Reserved Matters consent for 98 homes. Development started in February 2020 for completion by 2025 (approx. 25 units/annum).
- MP4/5 Cussins Homes – Reserved Matters application to be submitted in October 2020 for 183 homes. Development planned for 2021-2027 (approx. 35 units/annum)
- MP6 Bussey & Armstrong – Reserved Matters planning application awaiting determination for 38, 4 and 5 bed homes including all on site infrastructure. Determination expected in September 2020. Development planned for 2022-2025 (approx. 12 units/annum).
- MP 7/8/9/10 - 308 remaining homes planned for development between 2026-2030 (approx. 60 units/annum).

WPGV 'North' – This land is being promoted for residential development (120 units) following the withdrawal of an outline planning application in November 2019.

- Developer to be confirmed. Development starting in 2026 for completion by 2030 (approx. 24 units/annum).

The table below sets out the anticipated indicative delivery rates for the development parcels at West Park Garden Village including WPGV 'North'.

Darlington Proposed Submission Local Plan Representations

West Park Garden Village 'North'



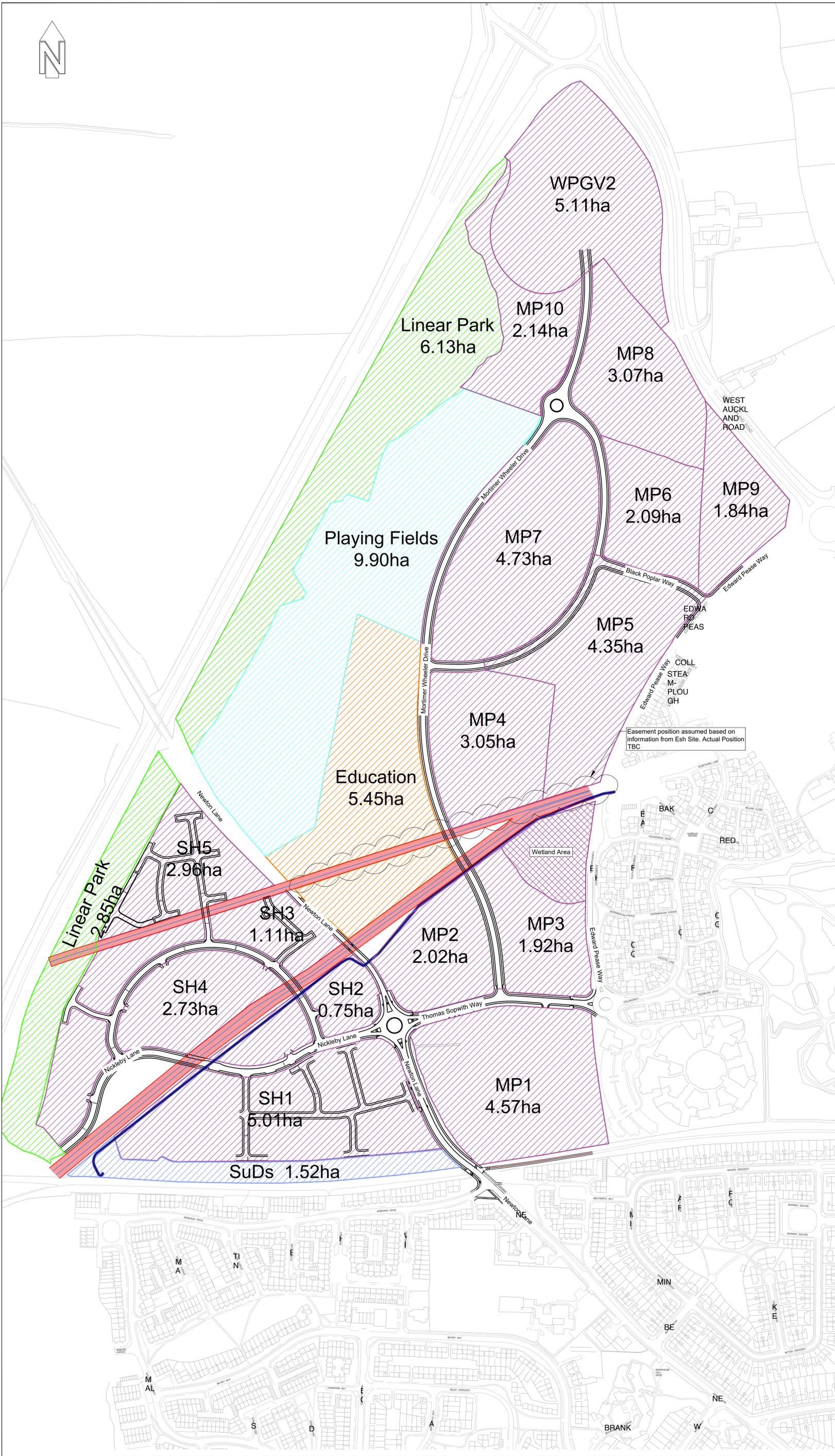
Stag House Farm	2020/u nits	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	TOTAL
Homes by Esh (245 units)	41	41	41	41	41	40						245
Barratt Homes (220 units)	20	40	40	40	40	40						220
Total	61	81	81	81	81	80						465
Mount Pleasant Farm												
MP1 Gentoo Homes (108 units)	8	25	25	25	25							108
MP2/3 Thirteen Homes (95 units)		25	25	25	23							98
MP 4/5 Cussins Homes (183 units)		35	35	35	35	35	8					183
MP6 B&A (38 units)			12	12	14							38
MP7/8/9/10 (308 units)							60	60	60	60	68	308
Total	8	85	97	97	97	35	68	60	60	60	68	735
Combined Total	69	166	178	178	178	115	68	60	60	60	68	1,200
WPGV 'North' (120 units)							24	24	24	24	24	120



Appendix 3 WPGV Phasing Plan



- = Linear Park
- = Playing Fields
- = Educational Development
- = Residential Development
- = SuDs Area



Road Names added. Plots MP1-5 adjusted to suit land sale boundaries	JRA	P2	RJR	06.03.2019
Issued for Information	ZW	P1	JRA	09.01.2019
AMENDMENT	BY	REV	CHK	DATE
Rev P = Preliminary T = Tender C = Construction LCI = Last Construction Issue				

In instances where this drawing completes or partly completes a contract, Billinghurst George & Partners will consider that its product has been validated, unless in a period not exceeding 90 working days, the client advises to the contrary.

Client
Bussey & Armstrong Ltd
 Darlington Borough Council

Project
West Park Garden Village
 Darlington

Drawing Title
Development Phasing

Drawn	Z.Waller	Date	03.01.2019
Checked	J.Ainscough	Date	03.01.2019
Scale	1:2500	Original Size	A1

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