
Inspector's Matters Issues and Questions

Examination of the Darlington Local Plan

Part 1 Hearings (Matter 4)



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Introduction

We have been instructed on behalf of our clients, Story Homes, to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions.

Story Homes are a medium-sized housebuilder with 30 years' experience of delivering high quality aspirational housing in the North East, Cumbria, Lancashire and Scotland. Story Homes have successfully delivered several schemes in the Borough of Darlington including Paddocks View in Middleton St George and The Willows in Blackwell.

Story Homes continues to invest in the Borough and the representations made to the emerging Darlington Local Plan ('eDLP') provide constructive comments necessary to ensure the Borough continues to grow.

Story Homes is promoting three sites through this local plan process; Great Burdon (Allocation 020); Middleton St George (Allocation 099) and Hurworth on Tees (Unallocated).

This Statement should be read in conjunction with all previous representations made on behalf of our clients.

Our clients are committed to ensuring the promoted allocations and the eDLP are sound and robust. Our comments will therefore focus on the following Matters:

- Matter 1: - Legal and Procedural Requirements and other General Matters
- Matter 2: Amount of development needed in the Borough
- Matter 3: Vision, aims, objectives and spatial strategy
- Matter 4: Housing development
- Matter 5: Meeting particular housing needs
- Matter 9- – Transport and other infrastructure
- Matter 10 - Other strategic and development management policies

This statement addresses a number of questions raised by the Inspector under Matter 4: Housing development.

Matter 4 – Housing Development

Methodology for selecting housing allocations

Q4.1 Is there a reasonable prospect that a total of 2,652 dwellings will be built on the housing commitment sites listed in table 6.4

Story Homes have a number of housing commitment sites in the Borough which are delivering well. We set out below our anticipated deliver trajectory.

- Paddocks View: Yr 20/21 – 9 units
Yr 21/22 – 1 unit (Site Close)
- The Willows, Blackwell Grange: Yr 20/21 – 14 units
Yr 21/22 – 23 units
Yr 22/23 – 20 units (Site Close)

Q4.2 Is the assumption that a total of 2,102 dwellings will be built on the sites listed in table 6.4 between 2020 and 2025 justified? In particular, has the Council provided clear evidence for the assumption that 840 dwellings will be built on the sites of 10 or more dwellings with outline planning permission?

See our response to Q4.1 above regarding the Story Homes' commitments.

Q4.3. Was the approach to selecting the housing allocations in the Plan justified and consistent with national policy and guidance?

The approach to selecting housing allocations in the plan is justified and consistent with national policy and guidance. Paragraph 6.2.13 of the eDLP outlines a number of criteria which include the need to: allocate land in accordance with the locational strategy; select sites with good access to services; avoid environmentally sensitive locations; provide for a mix of sites in terms of type and location; and select sites which are deliverable over the plan period. This approach is in line with the NPPF and PPG which require Councils to undertake an assessment of land supply to ensure that sufficient land comes forward to meet needs. The PPG¹ states that relevant information for such an exercise includes physical and environmental constraints, proximity to services and infrastructure and consistency with the development plan's policies; all factors which the eDLP has taken into account.

The eDLP's allocations have also been based on findings of the Sustainability Appraisal (SA), with all 'suitable sites' in the HELAA assessed through the SA with the final selection of sites based on a combination of these assessments. In terms of my client's land, Great Burdon is one of 19 suitable sites in South East Darlington assessed in the SA for housing potential and Maxgate Farm is one of 7 sites in Middleton St George. Both sites are assessed against 16 sustainability criteria with both sites receiving or scoring no negative sustainability effects. The approach to and outcome of the allocation process is therefore sound.

¹ Paragraph: 015 Reference ID: 3-015-20190722

Strategic and non-strategic housing allocations

Q4.4. Is the Council's proposed modification to policy H2 to distinguish between "strategic" and "non-strategic" housing allocations necessary to make the Plan sound and, if so, would it be effective in that regard?

It is not clear what the intention of the Council is in its proposed modification to Policy H2. We note that in the response to PQ25 the Council reference "*strategic in scale*" when discussing why, for example, Greater Faverdale is identified as a strategic-mixed use site. However "strategic" as a planning term in the NPPF isn't just an expression of scale, it is an expression of a policy's importance for the long term planning needs of an area. In our view, Maxgate Farm is a site of strategic importance in meeting the housing needs of the Borough and fulfilling the spatial strategy. In our view, the Council's approach is confused and not effective.

Great Burdon housing allocation (ref 20)

Q4.11. Is the proposed Great Burdon housing allocation, with a total capacity for 750 dwellings and an indicative yield of 500 dwellings during the plan period justified? In particular:

a) Would the development be suitably located in the context of policy SH1?

Policy SH1 identifies the settlement hierarchy. Great Burdon sits adjacent to the built up area of Darlington itself and once developed would become part of the Darlington Urban Area, maintaining the town's '*role as a leading sub-regional centre for transport connectivity, services, employment and retail and leisure.*' It therefore fits with the settlement hierarchy for the Borough.

The Council's HELAA concludes that the site is suitable, available and achievable. The Council's Regulation 19 Sustainability Appraisal scored the site entirely positively or neutrally against its 16 sustainability criteria. The Council's evidence base therefore concludes that the site is indeed a suitable location for housing.

The site is located approximately 2.5 miles to the east of the town centre and has a range of services within walking and cycling distance including; Whinfield and Red Hall Primary Schools; Springfield Academy (primary); Haughton Academy (secondary); supermarkets at Asda and McColls; Whinfield Medical Practice as well as Lingfield Point employment and mixed-use area.

The site is free from constraints which would affect its deliverability. There are multiple access options which could be implemented. The site does not flood, it is not protected in terms of heritage, ecology or landscape. Notwithstanding, there are a number of physical features which can and will be protected through the delivery of the allocation. This is discussed in a Statement of Common Ground that the developers and the Council have signed and which will be introduced to the Examination by the Council (see appendix 2).

There are a number of bus services (X66 and 11) which operate in the vicinity of the site along the A1150, Stockton Road, Winchester Way, McMullen Road and Coombe Drive. New bus stops could be provided to the north to access eastbound and westbound services along the A1150, Stockton Road. Existing bus stops within the Redhall Estate will be accessible from the south west of the site.

The site is being promoted by two established house builders with a track record of delivering houses in Darlington (Story Homes and Bellway Homes). These house builders have confirmed that the proposed allocation is deliverable and the indicative yield over the plan period can be achieved. The site offers an excellent opportunity for a sustainable urban extension with housing, education, open space and the potential for other facilities. Story Homes and Bellway Homes have worked with the Council in the preparation of a Statement of Common Ground which agrees key details around the implementation and delivery of the scheme. Again, this further exemplifies the deliverability of the scheme.

This site is also being presented to this examination by Barton Wilmore on behalf of joint-developer Bellway Homes.

b) Subject to the Council's proposed modification, would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site.

The modifications relate to flood risk and diversions and our client has no specific comments to make in relation to them.

In terms of the other requirements in Appendix B, they represent a reasonable set of requirements which guide future applications. It should be recognised that requirement (c) states that *"any development proposed to the north Burdon Hill must conserve those elements which contribute to the significance of listed building in Great Burdon, and the Haughton-le-Skerne Conservation Area."* This requirement is clear that any future planning application must be cognisant of these heritage assets. However draft Policy ENV 3, which makes provision for a Green Wedge at 'Haughton/Red Hall', is also being used by the Council to provide separation between the site and the listed buildings at Burdon Hill. In our view, the extent of the ENV 3 in this general area is an unnecessary duplication of this requirement and we make further representations to this in our Matter 10 statement.

The Statement of Common Ground addresses the Green Wedge issue and indicates that the Council are broadly comfortable with some development in the Green Wedge. Our preference is that policy is modified to reflect this.

c) Are the assumptions in the housing trajectory (Appendix A) about the site justified, including that 500 dwellings will be completed by 2036.

This site is being promoted by two housebuilders with a track record of working together to deliver sites in Teesside and with experience of the local housing market (both developers have delivered housing in Darlington in the last 5 years and have experience of current market conditions). With two builders on site, plus multiple affordable housing providers, our client confirms that the trajectory is justified. An Infrastructure Delivery Statement (appended) and Statement of Common Ground (appended) sets out that delivery could come forward more quickly, with the site able to deliver approximately 625 dwellings in plan period and 375 dwellings 2022/23-2030/31. This could be improved upon should there be a third outlet on-site.

Maxgate Farm, Middleton St George housing allocation (ref 99)

Q4.11. Is the proposed Maxgate Farm housing allocation, with an indicative yield of 260 dwellings, justified? In particular:

a) Would the development be suitably located in the context of policy SH1?

Policy SH1 states that Service Villages should be “*maintained*” to ensure that they continue to “*offer a range of facilities and services*” that “*meet local needs and facilitate the economic diversification of rural areas.*” Our client’s Matter 1 and Matter 3 statements provide an in-depth discussion of the role and function of Middleton St George and conclude that its size, the range of services and facilities it accommodates and its important location in the Borough means that it has an important strategic role in the plan. This role necessitates a commensurate level of housing growth and justifies the housing requirement set out by the plan. In this respect we wish to refer the Inspector back to our comments in Matter 1 (Q1.9).

The NPPF (paragraph 78) advises that “*housing should be located where it will enhance or maintain the vitality of rural communities*” (Savills emphasis). *It states that “Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”* (Savills emphasis). Middleton St George has a range of services including a school, train station, cricket club, allotment gardens, shops and health services. The site is located on the edge of the village within walking distance of the aforementioned services. Story Homes have a live planning application with the Council demonstrating our client’s commitment to the site (16/00976/OUT), and as part of that application have undertaken a range of technical surveys which conclude that there are no constraints which would preclude the site coming forward for development, specifically;

- An ecological impact assessment, bat survey, great crested new survey and breeding bird survey conclude that the development of the site will have no adverse impacts on protected species;
- An archaeological desk based assessment demonstrates that archaeology is not a constraint to development;
- A transport assessment demonstrates that the proposals can be accessed safely and have no severe impact on the highway network;
- All utilities have been taken into account and can be addressed through the design and construction of the scheme

These matters have been reviewed by the Council through the outline planning consent with the case officer’s report concluding that the site is technically suitable for housing. Finally, Story Homes has recently submitted a full application (for 260 units) for the site at Maxgate Farm, further demonstrating its commitment to the site.

b) Would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?

Our client has reviewed the requirements in Appendix B and can confirm that all of them can be accommodated on site. The requirements for consideration of public rights of way, open space and wildlife mitigation are appropriate considerations and we do not object to them being stipulated in Appendix B. Furthermore, these requirements have been adequately accommodated in the submitted full application which is currently with the Council for determination.

c) Are the assumptions in the housing trajectory (Appendix A) about the site justified, including that 260 dwellings will be completed by 2036. Has the Council provided clear evidence that development will begin in 2022 and that 90 dwellings will be completed by 2025.

We concur with the Council's justification in its response to PQ29 which points to the advanced stage of the planning application (an outline and now a full application have been submitted to the Council) as evidence of deliverability. We agree with the proposed housing trajectory.

Total supply from housing allocations (policy 2)

Q4.14. Is the assumption that a total of 6,709 dwellings will be built on the allocated sites between 2020 and 2036 justified?

We consider that the Council's evidence base is justified, particularly in relation to our client's sites at Maxgate Farm and Great Burdon.

Q4.15. Has the Council provided clear evidence to demonstrate that a total of 735 dwellings will be built on the allocated sites without planning permission between 2020 and 2025?

As the promoter and developer for Maxgate Farm (site 99) our client can comment specifically on this element of the Council's supply in so far as it relates to their interests.

As referenced in the Council's response to Inspector's Preliminary Question (PQ) 29, there is a live outline planning application with the Council for approximately 260 dwellings (reference 16/00976/OUT). The application was lodged in 2016 and was taken to planning committee in 2019 with a recommendation to approve. As the Council state in its response to PQ29, there are no constraints to delivery and in 2019 the Council's committee report concluded that there were no technical site constraints and that the application could be approved. The only reason it wasn't determined by committee was because the Council made a corporate decision to not determine any applications on greenfield draft allocations until further certainty was provided through the Local Plan examination.

We concur fully with the Council's response to PQ29 which states that:

1. The site is available now. Story Homes have a legal contract with the landowner and there is a live outline planning application lodged with the Council.
2. The site is suitable technically and in principle, having received a recommendation to approve at committee.

3. The site is achievable with a realistic prospect of delivery in the five year period. There is a live planning application with the Council which has already undergone full technical review and internal approval demonstrating that there are no technical barriers to delivery.

As well as there being a live outline application, Story Homes has just submitted a full planning application for Maxgate Farm (for 260 dwellings) which should mean that detailed planning permission can be gained quickly following conclusion of the Local Plan Examination. This should shorten the time needed to get on site and deliver homes relative to only having outline consent and further demonstrates deliverability and achievability.

Overall housing supply for the plan period (appendix A)

Q4.17. Will the Plan be effective in ensuring that sufficient land will be available to allow at least 9,840 net additional dwellings to be completed in the Borough between 2016 and 2036?

Appendix A sets out completions of 1,804 dwellings over the first four years of the plan period. The trajectory starts in 2020 and runs until 2036. The Council's response to the preliminary questions point to a requirement for an update following an assessment of completions in the financial year ending 31st March 2021. Appendix A in the Reg 19 plan concludes that in terms of allocations and commitments the planned trajectory is 9,736 dwellings. Taken together, the Council anticipates total delivery of 11,540 dwellings over the plan period, an excess of around 17% over the housing target. This is in our view an appropriate level of 'headroom' for a strategic plan which will on adoption have a further fifteen years to run. The Council's housing trajectory relies on 58 sites and at least 50 small (<10 unit) sites for its housing supply. It is justified to assume that there will be sites that are stalled or worse, lapse. A recent Inspector's report in Harrogate provides some guidance as to what level of oversupply could be considered effective and positively prepared:

*"[...] the housing supply figure falls to 16,626. This is still a very generous 25% over-allocation against the plan's housing requirement. Nonetheless, the NPPF **does not prevent local planning authorities from allocating more sites than are needed to meet the housing requirement**. Some built-in flexibility "to adapt to rapid change", particularly where the plan features some large allocations, is sensible. It is, ultimately, a matter of planning judgement. While noting the obvious landscape and heritage constraints in the borough, which may justify allocation reductions in future plan reviews, there is nothing inherently unsound in the Council's approach".*

"Taking the above factors into account, there is no need to identify additional allocations or reserve sites, as the overallocation against the requirement provides, in my judgement, plenty of flexibility".²

In this context the supply of homes in Darlington relative to the requirement in the eDLP provides an appropriate level of flexibility in line with national planning policy.

² Paragraphs 180 and 181 of the Harrogate Local Plan Inspector's Report

Notwithstanding, should the Inspector or Council consider that additional land was required to meet needs, our client considers that the site 'land north of Neasham Road' in Hurworth should be allocated in the eDLP. This site is discussed in detail in Story Homes' Regulation 19 representations, however the previous 2017 HELAA, which concluded that the site was **suitable, available and achievable**, demonstrated that there would be no technical constraints to development and any issues could be reasonably mitigated against. The site is readily available, with a realistic prospect of delivery within 5 years in accordance with the definition in the PPG. The site is in a strong and established residential market and therefore can contribute to Darlington's housing targets and the economic objectives set out in the plan.

We understand that Hurworth has been designated as a Neighbourhood Plan Area and that this offers an opportunity for the village to bring forward its own allocations and development limits. Story Homes will engage with that process when it moves forward, but at present there has been limited progress. It is therefore our view that an allocation could be made in the eDLP to provide certainty that the indicative housing requirements for Hurworth will be met.

Five year housing land requirement and supply (policy H1)

Q4.18. Would basing the five year requirement on 422 dwellings per year be effective in helping to ensure that identified needs, and the target of 492 dwellings per year, can be met?

No comment

Q4.19. Is the Council's proposed modification to paragraph 6.0.2 to refer to a 5% buffer necessary to make the Plan sound and, if so, would it be effective in so doing? To be effective, does the Plan need to be modified to set out how the five year requirement will be calculated throughout the plan period? If so, which of the approaches described by the Council in its response to PQ23 should be included, having regard to national policy and guidance?

A 5% buffer is required for all authorities to demonstrate choice and competition in the market. This could increase over the plan period to 20% should the Council fail the Housing Deliver Test or 10% should they wish to submit an Annual Position Statement or have the five year supply 'confirmed' as part of the examination of plan policies. It would therefore make more sense if the Council's position was explained in terms of the various buffers and how these might change over time.

Q4.20. Does the housing trajectory (Appendix A) and associated evidence demonstrate that the Plan will be effective in helping to ensure that there will be a supply of specific deliverable sites sufficient to meet an appropriately calculated five year requirement when the Plan is adopted and thereafter?

As set out above, we can confirm the deliverability of our client's sites. We have no reason to contest the Council's assumptions regarding the deliverability of the remaining sites it relies upon for its deliverable housing supply.

Inspector's Matters Issues and Questions

Story Homes



Appendix 1 Infrastructure Delivery Statement



Appendix 2 Statement of Common Ground