



## County Planning Committee

**Date** Tuesday 1 December 2020  
**Time** 9.30 am  
**Venue** Remote Meeting - This meeting is being held remotely via Microsoft Teams

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 3 November 2020 (Pages 5 - 28)
5. Applications to be determined

- a) DM/20/01846/FPA - Land At Aykley Heads Durham DH1 5UQ (Pages 29 - 96)

Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure

- b) DM/20/01205/FPA - Land to the North and South of Spa Road, Gainford, DL2 3EB (Pages 97 - 144)

Erection of 79 residential dwellings (Use Class C3), associated infrastructure and landscaping and demolition of existing agricultural barn

- c) DM/20/01185/FPA - Land to the West of Grice Court, Staindrop, DL2 3PH (Pages 145 - 192)

The erection of 72 residential dwellings (Use Class C3) associated infrastructure and landscaping and demolition of on-site buildings and structures

- d) DM/20/01183/FPA and DM/20/01184/LB - Raby Castle, Raby Park, Staindrop, Bishop Auckland, DL2 3AH (Pages 193 - 242)

DM/20/01183/FPA

Repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and winery cafe, works to Walled Garden and associated infrastructure and landscaping

DM/20/01184/LB

Refurbishment and alterations to Riding School (UID 1121778); Dutch Barn (UID 1121777); Stables and Coach House (List UID 1121776); Garden Walls (UID 1121780); and Cistern in Walled Garden (1310785)

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### **Part B**

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
23 November 2020

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chair)  
Councillor F Tinsley (Vice-Chair)

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley, I Jewell, C Kay, A Laing, G Richardson, A Shield, J Shuttleworth, A Simpson, M Wilkes and S Wilson

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held **remotely via Microsoft Teams** on **Tuesday 3 November 2020** at **9.30 am**

**Present:**

**Councillor J Robinson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bell, J Clare, I Jewell, B Kellett, A Laing, L Marshall, L Pounder, G Richardson, J Shuttleworth, A Simpson, M Wilkes and S Wilson

**Also Present:**

Councillor D Freeman

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Corrigan, K Hawley, C Kay, A Shield and F Tinsley.

**2 Substitute Members**

Councillor L Pounder substituted for Councillor K Corrigan, Councillor L Marshall substituted for Councillor C Kay, and Councillor B Kellett substituted for Councillor F Tinsley.

**3 Declarations of Interest**

The Chair, Councillor J Robinson declared an interest in Item 5b - DM/20/01334/VOC, DM/20/01333/VOC & DM/20/01332/VOC - Former Millburngate House, Framwelgate Waterside, Durham DH1 5TL, noting one of the registered speakers had been the Mayor of the City of Durham at the same time he had been the Mayor of Sedgefield Brough Council and noted that he would leave the meeting during the consideration of that item.

**4 Minutes**

The minutes of the meeting held on 2 September 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

## **5 Applications to be Determined by Committee**

### **a DM/20/01499/WAS - Enterprise Point 1, Enterprise City, Green Lane Industrial Estate, Spennymoor, DL16 6JF**

The Senior Planning Officer, Chris Shields, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use to clinical waste treatment and transfer facility, including autoclave, air condenser, boiler, shredder, compaction units, bin washes and extraction flues and was recommended for approval subject to conditions.

The Senior Planning Officer noted the application site had previously been used as a distribution hub and explained the adjacent unit, owned by the applicant, was used for same use as proposed within the application. Members were advised of the site layout, including loading dock and locations of equipment such as wash plant, shredder and autoclave. The Committee were informed of the proposed access arrangements from Meadowfield Avenue and details of car parking and vehicle movements.

In reference to consultee responses, the Senior Planning Officer noted no objections from Statutory consultees subject to conditions. He noted in respect of public responses there had been 134 letters of objection from residents, and objections from County Councillor N Grayson and Spennymoor Town Councillor M Harmer. It was explained that the objections were set out within the report and included: odour; noise and disturbance; traffic and increased vehicle movements; potential risk from hazardous materials; and potential negative impact upon house prices.

The Senior Planning Officer noted that the development was mainly the relocation of a long established business from an adjacent unit with the addition of a treatment process for a waste stream that was already collected at the adjacent site. He explained that the potential impacts of the development had been fully assessed and found to be acceptable, subject to conditions where appropriate and that the development would be fully contained within an industrial building on a site allocated for employment use.

The Senior Planning Officer noted concerns of objectors had been taken into account along with other responses including those of statutory consultees that had raised no objections to the proposal, subject to conditions where appropriate. He added that whilst mindful of the nature and weight of public concerns it was considered that those were not sufficient to outweigh the planning judgement in favour of the proposal.

He concluded by noting that the proposals were considered to fully accord with all relevant national and local planning policies and therefore were recommended for approval, subject to the conditions as set out within the report.

The Chair thanked the Senior Planning Officer and asked if the objections raised by Spennymoor Town Councillor M Harmer were on behalf of the Town Council or as an individual Member. The Senior Planning Officer noted they were in his capacity as an individual Town Councillor. The Chair asked Mr M Fearman, local resident, to speak in relation to the application.

Mr M Fearman thanked the Chair and Committee for the opportunity to speak and also thanked Planning and Environmental Health Officers for their time and help in respect of his, and his brother's, objections. Mr M Fearman thanked the applicant and noted he understood that, if the application was granted, the applicant had agreed conditions that would ease some of the concerns.

Mr M Fearman noted that his objections were based around the noise report, adding he did not believe the report was based on a "worst case scenario" as requested by the Council's Environmental Health Officer. For context, he explained that the BS4142 noise assessment would entail a noise consultant visiting the area, obtaining existing noise measurements in the area where the properties were and then modelling of the plant that would go into the unit would be undertaken. He added that then the modelled level of noise from the plant would be compared to the existing noise level in the area. Mr M Fearman explained that the noise consultant could add subjective penalties on to the assessment if they believed certain noises would be heard at the nearest residential property, those noises being: impulsive; tonal; intermittent; and other sounds characteristics that may be distinctive against the residual acoustic environment.

Mr M Fearman noted that the conclusion of the noise report could be one of three, namely: any noise up to 5dB above the background level showed no impact from the development, the result in this case with the report noting only 3dB above the background level; any noise of 5-9dB above the background level, which showed the development may have an adverse impact; and noise levels of 10dB or above which showed the development may cause a significant adverse impact. He reiterated that he believed that the report had not been undertaken in terms of a worst case scenario as requested by the Council. He added that the noise levels within the report show the shredder would operate at 102dB and the autoclave being 96dB. He explained that these levels were obtained by the noise consultant when visiting another site to record similar plant noise levels.

Mr M Fearman noted he requested that those results were made available to scrutinise, to understand at what distance the noise levels were recorded from the plant, and whether the plant was operating at full load or half load, full speed or half speed and so on. He noted that some penalties had been applied in respect of tonality, for the extraction system, with the consultant noting the noise would just be perceivable for the nearest residential properties and some penalties had also been applied in terms of impulsive noises for door slams and skid movements, again just perceivable for the nearest residential properties.

Mr M Fearman noted that he felt that the BS4142 assessment should have additional penalties applied to it for the noise characteristics of the shredder in operation as he felt the level of 102dB would be audible at the nearest residential properties and, as the report was requested on a worst case scenario, he felt that the penalty should have been taken into account.

Mr M Fearman noted that on Sunday, 1 November, it had been witnessed that the roller shutter doors at the unit had been open most of the day while heavy good vehicles were moving in the yard and he added he had no doubt this would continue throughout the lifetime of the development. He noted that the noise report did not take into account noise escaping from the building when any roller shutter doors may be open and therefore he felt this did not allow for a full picture of the unit in terms of what the noise levels would be at the nearest residential properties with the doors open, again not a worst case scenario.

Mr M Fearman explained that the background noise level used within the noise report were not the lowest recorded background level, not a worst case scenario. He accepted that the report had been done using BS4142 methodology and that stated that the lowest background noise level did not have to be used, however, as the Council had requested worst case scenario it was his opinion that the lowest background level should have been used and if that lowest level had been used it would have taken the noise levels from being 3dB over the background, showing no impact, up to 7dB over the background, likely to cause an adverse impact.

Mr M Fearman concluded by noting that difference in dB level, the assessment being carried out with the doors closed, and lack of penalties on the application would, if looking at a worse case scenario, would change it from being currently acceptable to being unacceptable and he thanked the Committee for their time.

The Chair thanked Mr M Fearman and asked the Senior Planning Officer to respond to the points raised.

The Senior Planning Officer noted an officer from Environmental Health, the Principal Public Protection Officer, John Hayes unfortunately had been unable to join the meeting, however, he had asked for a worst case scenario in terms of the noise report. He added the study was carried out and the noise report was passed to the Principal Public Protection Officer who had been satisfied with the outcome and had recommended conditions. The Senior Planning Officer referred Members to condition four which set specific noise levels for the site and asked for the applicant to monitor levels, while not precluding the Council from undertaking monitoring itself. He explained that they were essentially top-level limits, with no degree of freedom within that, and therefore the Council would expect the applicant to reach those levels and indeed the applicant had indicated they could achieve those levels.

The Chair thanked the Senior Planning Officer and noted other issues raised by objectors and responses to those were set out within the report. He asked Mr to speak on behalf of the applicant.

Mr K Sheehan thanked the Chair and Committee and explained he was the Technical Manager from Sharpsmart Limited, the applicant, and he covered areas of work such as compliance, new infrastructure and project management. He noted that at Sharpsmart, the core business was the manufacture, supply and servicing of reusable sharps containers and their aim was to make healthcare safer through their safety engineered containers, a more environmentally friendly alternative to single-use, virgin plastic containers which are burnt after one use. He added that Sharpsmart containers could be used up to 500 times, saving thousands of tonnes of plastic and reducing CO<sub>2</sub> emissions by 80 percent over the life of the container.

Mr K Sheehan explained Sharpsmart had supplied the NHS with reusable containers and healthcare waste services for close to 20 years from their headquarters at Unit 44, Meadowfield Avenue and since June/July 2019 from Unit 1 which had been used for distribution and storage. He noted that Sharpsmart serviced hospitals such as the Royal Victoria Infirmary, Sunderland, James Cook and other major NHS Trusts within the region. He added that in the company's history, nationally the company had no health and safety or environmental issues, having four further regional facilities in Yorkshire, Staffordshire, Essex and Berkshire.

He asked Members to note that, in supporting the healthcare sector and NHS in the north east, Sharpsmart were looking to invest in their Spennymoor facility with new equipment and technologies for the safe processing of certain healthcare waste. He noted the sustainable process allowed waste to be rendered non-hazardous by the means of steam treatment.

He explained that the resultant material was used as an alternative to fossil fuels in power stations and cement kilns. Mr K Sheehan noted that currently there were no facilities within the region that were permitted to this, meaning waste from local hospitals was transported hundreds of miles for processing and disposal, an additional cost to the local NHS.

Mr K Sheehan explained that the investment in Unit 1 would create long-term jobs in the region, Sharpsmart currently employing 21 staff from the local area in the current facility, some of which had been with the company since the company began operating. He added there were currently five new open roles and he reiterated that the Spennymoor facility was Sharpsmart's national headquarters. He noted that roles at the site included drivers, plant operators and site managers, and the Spennymoor site was also home to the company's customers service teams, human resources department and national operation leads and the company was looking to grow the administration side of the business further out of that facility.

Mr K Sheehan explained that the healthcare waste treatment facility being proposed was not what people might envisage when they thought of a waste disposal site, with waste arriving in sealed waste containers which were then placed in locked waste carts within the building to await processing. He added that waste would be processed within 24 hours of arriving on site and then removed for onward recovery for energy to waste facilities or power plants. He noted large quantities of waste would not be stored, there would be no loose piles of material on site, all waste being stored in the sealed carts until processed. It was explained that the equipment and process underwent in-depth testing to meet the high standards set and controlled by the Environment Agency, those standards being checked weekly within the first six months of operation and then monthly for the life of the plant to ensure high standards were maintained. Mr K Sheehan explained that Sharpsmart would be willing to have open days to show the local community how the operation worked and wanted to have working relationship with the local area to be able to discuss any concerns. He added that Sharpsmart had taken note of the concerns raised to date and offered solutions to address those as set out within the conditions agreed to, such as removal of gate alarms, reversing alarms and a traffic management system to ensure no Sharpsmart vehicles accessed the site from the residential side.

In reference to the noise report, Mr K Sheehan noted he was not qualified to speak in-depth on the issues, however, in terms of issues in respect of doors being open or closed, he explained that once the site was a permitted, operational facility there would be requirements that the doors be shut while in operation and, as per the site plan included within the Officer's presentation, the loading dock to be used for the movement of the materials was enclosed and almost a separate unit from where the waste processing would take place. He added there was an extra internal wall being in

between the processing plant and the doors that would be open during loading and unloading.

The Chair thanked Mr K Sheehan and noting the Senior Planning Officer had no points to raise he asked if the Committee had any points of clarification.

Councillor J Clare noted he took comfort in the reference to the Environment Agency carrying out inspections weekly and explained he had questions relating to paragraphs 13 and 14 of the report, referring to 600 litres of liquid effluent per cycle. He asked what the total amount would be, whether that was the 1.2 million litres referred to and also whether there was any potential for contaminated effluent being discharged to the sewer to present a danger or smell.

The Chair asked Mr K Sheehan if he could respond. Mr K Sheehan noted that in terms of contaminated effluent, it sounded worse that it was, in essence being condensed steam. He explained that it was classed as effluent as it had gone through a treatment process and classed as contaminated as it would have been in contact with a waste stream, even though that waste stream would have been rendered non-hazardous. He added that the effluent would be tested on a regular basis as part of the company's discharge consent and the company had such a consent already at Unit 44 for the discharge of wash water. He reiterated that it was condensed steam from a wash process and was non-hazardous and similar operations were carried out at other similar facilities around the country.

Mr K Sheehan noted that in terms of volume question, the 600 litres stated would be a higher estimate of the amount of effluent, this varying by ambient conditions. He added that on cold days more steam was required and this in turn would produce a greater amount of effluent. He reiterated that 600 litres would be a maximum with a more usual amount being around 300 litres per cycle, with around ten cycles on a normal processing day.

Councillor J Atkinson asked as regards the autoclaves being used subject to "high pressure and high vacuum" and asked what pressures were being used and whether there were any potential issues in terms of leakages or explosions.

He added he had worked with high pressure vessels and noted in his experience there had been a process of inspection to be able to obtain insurance and asked if such inspections were undertaken.

Mr K Sheehan explained that the pressures were in the region of 45psi, being deemed "high pressure" in terms of clinical waste treatment as some parts of the process operated under no pressure. He noted some elements used steam injected under pressure, however, the system would not in turn hold that pressure. He added that insurance requirements were such that

vessels were required to be MDT tested and pressure tested annually and signed off by insurers.

The Chair thanked Mr K Sheehan and asked the Committee for their comments or any proposals in respect of the application.

Councillor J Atkinson noted he would propose that the Committee accept the Officer's recommendation.

Councillor J Clare noted for planning applications it ultimately depended upon the promises of applicants in maintaining and in some cases, those promises were not upheld. He added that was why he asked questions and had noted the processes would be subject to regular testing by the Environment Agency. He explained this has alleviated his fears in respect of the application and that, in terms of noise and the number of journeys generated, residents would have recourse via Planning Enforcement at the Council and be able to challenge any misuse of the system. Councillor J Clare noted resident's concerns and was heartened that the company would be offering to show residents around the facility and hoped residents would be reassured by this. Councillor J Clare noted, given the promises of the applicant, he would second the proposal for approval as per the report.

Councillor I Jewell added he felt the stringent conditions associated with the application probably mitigated any of the fears local residents had.

The Chair asked the Solicitor – Planning and Development, Clare Cuskin to take the vote for the approval of the application.

Upon a vote being taken it was

**Resolved:**

That the application be **APPROVED** subject to the conditions as set out within the report.

*Councillor J Robinson left the meeting at 10.03am*

**Councillor I Jewell in the Chair**

- b DM/20/01334/VOC, DM/20/01333/VOC & DM/20/01332/VOC - Former Millburngate House, Framwelgate Waterside, Durham, DH1 5TL**

The Principal Planning Officer, Henry Jones, gave a detailed presentation on the report relating to the abovementioned planning applications, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The applications were for: variation of condition 29 of DM/18/00896/VOC to permit works between 7am-8pm Monday-Friday & 8am-6pm on Saturdays until 13/05/2021 (Amended Description); variation of condition 20 of DM/18/00894/FPA to permit works between 7am-8pm Monday-Friday & 8am-6pm on Saturdays until 13/05/2021 (Amended Description); and variation of condition 23 of DM/18/02924/FPA to permit works between 7am-8pm Monday-Friday & 8am-6pm on Saturdays until 13/05/2021 (Amended Description). It was noted the applications were recommended for approval subject to conditions and a Deed of Variation of the Section 106 Legal Agreement to reflect the revised planning applications.

The Principal Planning Officer referred to plans of application site setting out the three areas covered by the applications, the whole site and two sites within the area, one area being for a hotel and the other predominately for office accommodation. He gave an overview of the site and the area in context of its city centre location, noting residential properties at St. Godric's Court, St. Anne's Court, Highgate, Sidegate and Diamond Terrace and the Radisson hotel to the north of the application site. He noted the Freeman's Reach development on the opposite site of the river, the Walkergate development and Freeman's Place Leisure Centre. Members were referred to aerial photographs giving a snapshot of development and noted the Officer had more up-to-date photographs of the site later within the presentation.

The Principal Planning Officer noted that the applications were for the variation of working times, however, he gave a brief overview of the development that was taking place on the site, with some elements being approved in detail and some being approved in outline. He explained the detailed planning permission gave permission for six building blocks, and with planning permission for the northern part of the site being in outline, with no details in terms of design, scale or layout, with a further application required to resolve those issues.

He added the development was a major mixed use development and uses within the area that had full planning permission included: a hotel with some ground commercial floors; office block with some commercial units below; restaurants on some ground floors with some residential accommodation on upper floors and a residential block.

The Principal Planning Officer noted that while the precise scope for the northern part of the site was not known yet, it would comprise of a combination of housing and office accommodation. Members were referred to a visual representation of what the site would look like upon completion

and some site photographs, some as recent as one week ago taken at dusk, for context.

*Councillor M Wilkes entered the meeting at 10.15am*

In terms of consultation and representations, the Principal Planning Officer noted that the City of Durham Parish Council had objected to the applications and were present at Committee to give more details, with the objections submitted including concerns relating to the extended working hours given the proximity to residential properties and with the justification of the site seeking extended hours given that it continued to operate throughout the COVID 19 pandemic.

The Principal Planning Officer noted in terms of statutory and internal and external consultees, the Highways Authority and Environment, Health and Consumer Protection had raised no objections to the applications. He added that there had been 11 letters of objection from residents and neighbourhood groups with their comments including: the unacceptable impacts the extended hours would bring; the extended hours not being justifiable, the contractor continuing on site throughout the pandemic; the site had caused harmful amenity impacts in the past; and there was a lack of confidence in enforcement to control impacts. The Principal Planning Officer noted Councillor D Freeman had relayed the concerns some residents in his Electoral Division had raised and requested that the applications be heard at Committee.

In summary, the Principal Planning Officer noted that the principle of development was established and was not the subject of the applications, rather the acceptability of the applications rested upon whether the proposals to extend the construction working hours were acceptable or not. He noted that if they were found not to be acceptable then the existing planning permissions would continue and the working hours that are currently required would subsist. He added that if the applications were approved, the extended working hours would be in place until 13 May 2021 and reiterated the requested hours were 7am-8pm Monday-Friday and 8am-6pm on Saturdays.

He explained that this represented a 30 percent increase across the working week overall, a commencement Monday-Friday of 30 minute earlier, a finish of Monday-Friday of two hours later, and a finish on Saturday of five hours later.

The Principal Planning Officer noted that during the proposed extended hours, certain operations would not take place, with a full list being set out within the report, with a number highlighted within the presentation including, but not limited to; piling operations; mechanical cutting or breaking of

concrete; concrete pumping; scab-baling or cleaning of concrete; and bulk earthworks.

The Principal Planning Officer noted that the thrust of recent Written Ministerial Statement and associated guidance in regard to extended construction working hours because of the impact of the COVID-19 pandemic was that such requests could be rejected but that “very compelling reasons” to do so should exist. He added that the acceptability of the requested extended construction working hours was considered to be finely balanced and there were sensitivities applicable to the site and the development given the proximity of sensitive receptors, business which are also affected by COVID-19 and the potential for further adverse impacts.

The Principal Planning Officer concluded by noting that Officers view was that the likely degree of the increase of any impact over current impacts ongoing at the site was not considered such to comprise very compelling reasons and therefore Officers consider that the applications should be approved.

The Chair thanked the Principal Planning Officer and asked Parish Councillor J Ashby, representing the City of Parish Council, to speak in objection to the application.

Parish Councillor J Ashby thanked the Chair and Committee for the opportunity to speak and noted he was the City of Durham Parish Councillor for Elvet and Gilesgate, which covered the whole of the city centre including the application site.

He explained the Parish Council objected to the applications for various extended hours because of the concerns of nearby residents and the applicant’s generally poor approach to the issue. He noted that Condition 20 of the original approval in 2018 said:

*“No development works pursuant to the development hereby approved shall take place outside the hours of 7.30am - 6pm Monday to Friday (inclusive) and 8am - 1pm on a Saturday with no works on any Sunday or Bank Holiday.”*

Parish Councillor J Ashby noted that Tolent, the applicant, had quite understandably now sought to use the Government’s temporary provisions of May 2020, however, assessing their wishes had been absurdly difficult and troubling for nearby residents by the cack-handed way Tolent had gone about it. He added that the applications were their third shot at saying what they wanted, the first being what was in Condition 20, amounting to 57.5 hours per week.

Parish Councillor J Ashby explained that in June this year Tolent applied for 7am to 9pm Monday to Friday and 8am to 9pm on a Saturday, their explanation for seeking planning permission for those extended hours was in a covering letter, but unfortunately that was missing from the Planning Portal. He added that the missing letter apparently also said how Tolent wished the condition to be varied, and again it was impossible to know any detail of the variation sought. He noted the extended hours applied for in June would have meant working 83 hours every week until May 2021.

He noted the Parish Council and local residents objected to the application as lacking essential information and failing to provide the safeguards needed to protect residential amenity. He explained Tolent then said that the reference to any working until 9pm on a Saturday was a mistake and working on a Saturday was supposed to have to remain unchanged with a 1pm finish. He noted that would mean the total would be reduced from 83 hours to 75 hours per week.

Parish Councillor J Ashby noted, having regard to further discussions with officers, a third amendment now proposed 7am to 8pm Monday to Friday and 8am to 6pm on Saturday. He added this would mean in a week there would be five hours less working on weekday evenings but five hours more on Saturday afternoons. He noted that we were of course now into the dark winter evenings so getting five hours extra daylight working in exchange for five hours less evening working did make sense from Tolent's point of view.

Parish Councillor J Ashby noted it was a sorry story of confusion and demonstrated how much better it would have been for Tolent to undertake genuine liaison and consultation from the start. He explained the residential areas of Highgate, Diamond Terrace and Sidegate were located immediately adjacent to the Millburngate House redevelopment site and experienced noise, dust and disturbance generated at the site, the level of noise having been described as intolerable.

He explained the Parish Council has been asked by the Sidegate Residents' Association to point out that Condition 6 of the planning permission granted in 2018 required a Construction Management Plan (CMP) to include "*Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.*"

He added that Sidegate Residents' Association stated that very little consultation had happened, with one site visit on 25 February, but nothing since. He noted there has been just one newsletter, in July, which was about their intention to extend working hours. He noted Sidegate Residents' Association had certainly received nothing from Tolent about the current applications, only from the County Council.

Parish Councillor J Ashby noted the CMP containing those requirements for liaison with the local community had only just been approved in September 2020, two years after permission was granted on the basis of that condition and long after construction started. He added that this was poor practice, disrespectful to the Planning Authority and local residents, and unworthy of a major company such as Tolent. He concluded by noting the Parish Council considered that local residents had endured enough worry and disturbance and that the applications should be refused.

The Chair thanked Parish Councillor J Ashby and asked the Principal Planning Officer to respond to the issues raised.

The Principal Planning Officer noted that in reference to the degree of confusion as regards what was being applied for, Parish Councillor J Ashby was correct in that there was some confusion earlier on in the application to as to exactly what degree of extension was being applied for, however, he felt this had been clarified recently through a combination of a renotification process where the Council went out to residents clearly defining what the description of the development was and in conjunction, at a very similar time, Tolent distributed a newsletter to residents. He noted that while he did not know how many residents received the newsletter, the Principal Planning Officer had received a copy and it stated the same hours as the Council notification.

The Principal Planning Officer noted a late update in relation to the suite of conditions, regarding condition 10 on proposed permission DM/20/01332/VOC. He noted the currently drafted condition relating to sound insulation for the operational phase of the development did not take into account that there was a partial discharge of that condition and therefore if the application was approved he would look for delegated authority to amend that condition to account for some of its requirements having previously been discharged.

The Chair thanked the Principal Planning Officer and asked Councillor D Freeman, Local Member, to speak in relation to the application.

Councillor D Freeman noted he was the County Councillor for the Elvet and Gilesgate Electoral Division and also a Member of the City of Durham Parish Council.

He explained he would not repeat the points made by Parish Councillor J Ashby relating to the history of the site and poor way Tolent had treated the local area. He noted he worked for the Home Office, based in the Passport Office just over the river from the development. He explained that throughout the period since the lockdown building works had been ongoing daily, noting his work desk faced the site, and he noted it would be true to say that within

the hours that the developers had at the moment they had made extensive progress, as shown within the photograph within the presentation taken in the evening. He added that he did not feel the case was shown that the lockdown had stopped the developer working on the site and therefore he felt it weaken the case for longer hours going forward, as was Government's intention in terms of developers that had been stopped in progressing on their sites during the lockdown.

Councillor D Freeman noted that for Members of the Committee, he felt that the question was whether the applications for the variation of working hours was therefore fair and reasonable. He added he had around 300 residents within around 100 metres of the development site and they had experienced noise, dirt and inconvenience during the working day, however, the applications sought to extend those hours and extend the problems that those residents had to experience into the evening, 8pm and throughout Saturday up to 6pm.

Councillor D Freeman noted that he felt sure every Member at Committee would not be supportive of such extension of building hours within their ward and noted that as a Member of one of the Area Planning Committees it was not something he would find favourable for any Member in any ward in the County. He noted he therefore hoped that the Committee would reject the extension of hours adding he felt they were not fair to surrounding residents and were not reasonable here or anywhere else. He noted he felt the Committee could reject the applications on the grounds of residential amenity and he hoped they would do so.

The Chair thanked Councillor D Freeman and noted there were two speakers in objection, he asked Mrs Eileen Grimes, local resident, to speak first in objection to the applications.

Mrs E Grimes stated here we were again, with another variation for the Millburngate development. She noted she understood the application was being sought as a result of the pandemic, however as previous speakers had noted, works had continued all through lockdown, Arlington Developments and Tolent having made press releases which noted they were making great progress on site and that everything was going to schedule.

She noted the applications had been brought as a result of the Ministerial Guidance and that guidance gave clear direction that it could be refused on residential amenity.

She noted that Officers were attaching conditions, however, she explained Tolent had constantly breached the conditions that were in place at the moment and those complaints had been logged with Council Officers. Mrs E Grimes asked if Members were confident that any conditions placed on

Tolent, if the applications were approved, would be enforced and adhered to by Tolent, adding she felt residents did not have that confidence.

Mrs E Grimes noted Tolent had provided little or no compelling evidence or reason for the extended hours and she felt they were purely manipulating the guidance for their own agenda. She noted the Officer's report made reference to it being a finely balanced decision and that the objections were supported through the County Durham Plan, which had recently been approved. She noted issues included visual intrusion, noise, loss of light, increased light pollution during dark mornings and evenings heightened by floodlights and additional lights required for work. She noted there had been increased noise and dust from all aspects of work which had not been monitored as per the condition of the permission. Mrs E Grimes noted the latest government guidance was for everyone to work at home where possible and this would increase the impact. She concluded by noting Ministerial Guidance highlighted, within Section 7, reasons for refusal of extended hours where sites were in close proximity to residents and she noted all the evidence given to Committee gave the opportunity for Members to put the health, mental health and wellbeing of residents nearby to the construction site above a construction company and she asked for the applications to be refused.

The Chair thanked Mrs E Grimes and asked Mr Michael Dowson, representing the Radisson Hotel to speak in objection to the application.

Mr M Dowson explained he represented the Closegate Radisson Blu Hotel, the direct neighbours to the construction site. He noted that they very much supported the comments from Parish Councillor J Ashby and Mrs E Grimes and reminded the Committee that works started on the site four years ago in November 2016. He explained that they would like to see the construction on the site completed as quick as possible as it was often not a pleasant environment in and around the locality. He noted that at Millburngate, and now The Sands, there had been some many times where site environmental monitoring had not been working or that the result provided after a particularly bad incident had occurred, were provided months afterwards.

He noted the Principal Planning Officer would be able to verify that with Mr M Dowson, having had conversation going back six months asking for confirmation as to why an incident had occurred as Mr M Dowson was obliged to respond to the guests at the hotel within a very short period of time. He explained guests wanted to know why their cars were covered in dust or why they had been woken in the middle of the night or very early in the morning.

Mr M Dowson noted that the CMP mentioned previously, at The Sands site, had a condition for the Developer to monitor only when they think necessary.

He explained that on a day where steel was being grinded and a stream of complaints had been made by guests, a complaint was made to the Enforcement Officer who noted the Developer had not been monitoring that day.

Mr M Dowson noted that should the Committee be minded to approved, which he hoped they would not, then he would request very strict environmental monitoring be put in place along the hotel boundary during the extended working hours, more strict than currently suggested and that there be no permitted rights such as the concrete plant that went up on the boundary for most of last year under permitted development rights. He noted there should be an obligation to cease working if early morning or night-time noise limits were breached, adding hotel guests did not want to be woken up at 7am by a reversing beeper for example. He noted he would request a planning condition whereby on-site physical monitoring for excessive noise, dust and vibration was conducted by a person during the extended working hours and that the results were provided to the Council each and every day. He concluded by hoping that would not be necessary, with Members refusing the applications, however he noted a similar condition had been applied to a sister hotel in London undergoing works.

The Chair thanked Mr M Dowson and asked the Principal Planning Officer for any comments on the points raised.

The Principal Planning Officer noted in respect of monitoring that there had been some issues in the past, with access to the environmental monitors now being better with direct access to the results of monitoring, adding that there had been some instances where monitoring results had been missing. In terms of some specific requests from Mr M Dowson, should the applications be approved he noted not all of those requests would be covered by the current suite of conditions. He noted that if Members were minded to approve the applications, but rather they were with bolstered conditions, then there would be need for further discussion as not all of the conditions would cover the requests made by Mr M Dowson.

The Chair thanked the Principal Planning Officer and asked Mr Michael Rutherford to speak on behalf of the applicant, in support of the application.

Mr M Rutherford thanked the Committee for the opportunity to speak and noted he was the Project Director for Tolent Construction and the Lead on the Millburngate project.

He noted the application had been made in line with Government guidelines and the overriding principle of the application was to make the project safer, to protect the health and safety of everyone employed on the site and by definition the health and safety of the local and wider community in Durham.

He explained that the application had not been with the intention of operating all the activities on the site throughout the extended period. Mr M Rutherford noted that the application would provide Tolent with the flexibility to manage the construction activities and the logistical arrangements on the project which would create valuable space and would allow people and operations to be carried out in line with Government guidelines.

Mr M Rutherford added that as part of the application, Tolent had provided a full and extensive schedule of operations, plant and machinery which would not be carried out under any circumstances during the extended hours. He noted that would mean there would be no increase to noise levels whatsoever throughout the project. He noted the issues raised as regards lighting and noted he could confirm all of the lighting on the site throughout the extended periods, and during the winter period, would be focussed within the internal elements of the site. He added the light would not be in any way be on the same level as the lighting of the full operational scheme upon completion. He noted Tolent had been very careful in how they had set up the work lighting and the majority of the works proposed to be carried out during the extended hours would be within the body of the development, below the podium slab and within service corridors and throughout the car park, all those areas were not visible to the public.

Mr M Rutherford noted some issues raised in objection to the operational hours and the logistics as regards deliveries. He explained that Tolent would argue that by extending the operational hours, they could schedule deliveries to avoid peak times, to avoid congestion and to avoid any particular increase in terms of traffic in and around Durham city centre. He reiterated that the application would give Tolent more flexibility to manage operations.

Mr M Rutherford noted there had been consultation with local residents, and he would argue this and added that up until the pandemic Tolent had held a number of open evenings where local residents were invited to the site to enable Tolent to explain the project, where the project was at in terms of schedule, and the logistics and constraints around the project. He noted that with the current COVID-19 restrictions, those open evenings had been postponed and these had been replaced with consultation letters, the latest of which had been sent out the end of July, adding the letters gave various information as regards the project.

Mr M Rutherford noted there had been a number of discussions as regards to the fact that Tolent had continued working throughout the pandemic and he explained this had been through the planning and dedication of the site team, however, he would say that this had been at a significantly reduced rate compared to what was anticipated within the original programme. He reiterated that while operations had continued on site, the number, level and output of those operations had been significantly reduced. Mr M Rutherford

noted that extending the hours would not recover those costs, however, it would mitigate further delays going on to the project.

Mr M Rutherford noted that Durham County Council's Nuisance Team had carried out a risk assessment and did not perceive that the extended hours would cause any nuisance to the community. He added that the current Government guidelines in relation to the pandemic was "hands, face and space" and he noted it was possible for "hands and face" on site. He noted it was also possible to do "space", however, the extended hours would allow for more flexibility to create more space from a logistical point of view to be able to separate people on the project, noting that had to be a good thing in relation to the pandemic.

The Chair thanked Mr M Rutherford and noting no comments from the Principal Planning Officer or Solicitor – Planning and Development he would ask Members of the Committee for any points of clarification.

Councillor J Clare noted paragraph 112 of the report, fifth bullet point which noted key considerations in justifying extended hours for the LPA (Local Planning Authority) included the justification for the request. He asked the applicant how many weeks behind schedule the project had fallen as a result of the pandemic. He noted he understood from the comments made by Mr M Rutherford that the extended hours would enable Tolent to reduce the intensity of work moving forward and asked if the developer had been able to maintain the works to schedule during the pandemic so far. Councillor J Clare noted there were statements throughout the Officer's report that the justifications for the request were weak and asked the Principal Planning Officer as regards his opinion in terms of how weak the request was.

Mr M Rutherford noted that in respect of how far behind the project was it was a dual approach, with an assessment being made of where the project was at the moment and also a forecast of where the project was likely to be, given the circumstances at the moment. He explained that a full programme review was undertaken, and the number and level of resources was scheduled out, every day, every week throughout the entire project. It was added that current productivity levels were approximately 30-35 percent below what was originally anticipated.

Mr M Rutherford noted that he was reporting to the client that the programme was 6.3 weeks late from the original date. He added, however, that the more important aspect was that if he was to project the reductions in levels going forward, then it was currently anticipated that the project would be 13 weeks late based upon current output levels. In relation to the current output levels, Mr M Rutherford explained that the idea of the extended hours was not necessarily that the operations would continue in full, adding Tolent had been very specific in terms of which operations would not happen. He added that

what could not be perceived from the Principal Planning Officer's presentation slides was that below the development there was a huge number of service corridors and tunnels that were utilised for distribution of materials, noting a huge amount of materials on the site. He explained to local residents and all those around the site, it was not possible to see those works until you were inside. Mr M Rutherford noted the idea predominantly was to continue with works as normal, throughout the normal operational day, however, the extended hours could be used to distribute materials safely, as there would be a reduced number of people on site.

The Principal Planning Officer noted he was not sure what within his report gave the impression that he felt the justification was weak, he noted he had not used the word weak nor intended to give that impression. He added that he would agree that the justification was not as strong as if the site had been required to close down entirely during lockdown, however, the Written Ministerial Statement and associated guidance did not say that the purpose was wholly for sites to play catch-up if they had been required shut down, it was to do with managing all the kinds of impacts the pandemic might have had, as explained by Mr M Rutherford in terms of more flexibility. He reiterated that while he had not intended to give the impression that the justification was weak, he agreed it was weaker than if the site had been required to shut down, however, he had not used those terms within the report.

The Chair thanked the Principal Planning Officer and asked Members of the Committee for their comments and questions.

Councillor J Atkinson noted that he had attended a recent meeting of the Economy and Enterprise Overview and Scrutiny Committee and the impact the pandemic was having on the economy was very stark.

He added that one of the issues was social distancing, and he noted that while that implied physical distance, he noted that if you were able to distance people by time that would give a bit more of a chance in terms of trades that may need to work in the same space, such as electricians, plumbers and carpenters, being able to separate them by time. He noted he hoped the Developer would be true to their word, noting there had been some complaints that Tolent had made promises in the past that they had not kept. Councillor J Atkinson noted that the availability of extra hours, if used properly, to social distance different trades and workers at different times would be useful and if the Developer could take note of the points raised by those that were not happy and make use of the extra hours to get the project completed, then this should help to get the benefits from extra working hours.

Councillor J Atkinson proposed that the applications be approved, with the situation to be monitored and with the Developer taking into account what had been said and make use of the extra hours properly.

Councillor J Shuttleworth noted the current situation in terms of the pandemic and added that while he was not against people working, if the development was in a field away from houses, he would have no problem with the application. However, with the start time of 7am Monday-Friday, with it now being dark nights, dark coming in on an evening and dark going out in the morning he thought it was really unreasonable to the residents of the city of Durham and therefore on that basis he proposed the applications be refused.

Councillor J Clare noted that applicants came to Committee making all kinds of promises and an application would be accepted on the good faith of those promises and where those promises were not kept, this would make it very difficult for the Committee. He noted firstly that Tolent had not taken sufficient care of their neighbours. He noted he was very strongly affected by the testimony of the adjacent hotel adding he felt it must be impossible to run an effective hotel business with the things that were happening on the site next door. He noted if there was talk of protecting the economy there was need to talk of protecting the hotel in addition.

Councillor J Clare noted that if the development was running six weeks late already and was going to come in 13 weeks late, a quarter of a year, that would not be good for the economy and it would prolong the misery for the residents for another 13 weeks. He added that residents may avoid and intensification of the work, however, at the cost of prolonging the work. Councillor J Clare explained this made it a very difficult case adding that the Principal Planning Officer had noted it was a finely balanced case with Councillor J Clare noting he felt it was incredibly finely balanced.

Councillor J Clare stated that if Committee were to approve the application, given the monitoring and the extent of planning enforcement that the Council was able to apply had been clearly inadequate to date, would the Committee wish to explore the suggestions made by Mr M Dowson in terms of beefing up the monitoring proposals. He noted Members could not do that discussing as a Committee and therefore he felt it would be necessary to give the Officers, with the Chair or Vice-Chair, the delegated authority to increase the monitoring. He asked if the Principal Planning Officer and Solicitor – Planning and Development would speak in relation to such a proposed condition on the grounds he would not be prepared to approve the proposal without that condition. He asked whether it would be possible to create such a toughened up condition or new condition.

The Principal Planning Officer did not see why it would not be possible, with different ways, potentially with a condition that required a further form of CMP to be submitted and agreed. He noted there were positives and negatives to that approach, it would allow discussion on exactly the content of the CMP, however they could be difficult to agree on and could cause delays.

The Principal Planning Officer noted in terms of current monitoring, there was an environmental monitoring device at the centre of the site, monitoring noise, vibration, dust particulates of a certain size. He added that on the boundary of the site with the Radisson hotel, there were further “sticky pad” monitors which specifically monitored dust of another particulate size. He noted Members could potentially say that another environmental monitoring device similar to that at the centre of the site could be demanded to be located on the Radisson boundary. He noted Mr M Rutherford may wish to speak as regards the willingness of the applicant to agree to such a condition, and indeed whether they would want the planning permission at all if subject to such a condition.

The Solicitor – Planning and Development noted that, as stated by the Principal Planning Officer, it would be possible to impose an additional condition and there would be potential difficulties in agreeing a form of words at Committee and therefore if Members were minded to impose such a condition it would be preferable to have authority delegated to the Planning Officer in conjunction with the Chair or Vice-Chair of the Committee to agree those conditions, reiterating she felt that may not be something that could be done satisfactorily at Committee.

The Chair thanked the Solicitor – Planning and Development and asked Mr M Rutherford for his view on the suggestions.

Mr M Rutherford noted the applicant would happily look at all of those suggestions and noted, as the Principal Planning Officer had explained, Tolent had a sophisticated monitoring device on site at the moment, in a position agreed by Environmental Control Officers. He noted it would be possible to look to put additional devices in place, however, he noted the data from the device was measured real time and the device was constantly recording and when checked prior to the meeting, he noted the threshold levels for noise had not been exceeded for around six months. He noted that the applicant would be happy to look at issues in terms of additional monitors and could discuss that with the Principal Planning Officer going forward.

Councillor J Clare noted it was particularly difficult as many people would just want the Committee to say no to the application. He noted the main issue raised by objectors was that Tolent had not kept to the conditions that had

been set, with the Radisson hotel putting this down to a failure of monitoring. Accordingly, Councillor J Clare proposed a condition along the lines suggested by the Solicitor – Planning and Development for the Vice-Chair, in discussion with the Team Leader should discuss with Tolent, through the mechanisms suggested by the Principal Planning Officer, an enhancement of certainly the regularity, and perhaps the degree of monitoring so that residents could be assured that the restrictions agreed to would be adhered to.

Councillor G Richardson noted he had listened to the debate and would second Councillor J Shuttleworth's proposal for refusal.

Councillor S Wilson noted he would be happy to second Councillor J Clare in his proposal.

Councillor A Bell noted he too would have seconded Councillor J Clare in respect of approval, and while agreeing it was a very hard issue for local residents, he felt that adding in a bolstered condition would also help the County Council to address current concerns and he really hoped that Tolent take note of Members, local residents and the hotel and that bolstered conditions would help everyone become good neighbours.

The Chair noted that Councillor J Atkinson had initially proposed the application be approved, noting similarity to that of Councillor J Clare. Councillor J Atkinson noted he had felt confident that the applicant would have taken stock of the issues raised, however, if the proposal by Councillor J Clare was a more official way of achieving that then he would be happy to go with Councillor J Clare's proposal.

The Chair noted that he had listened to the speakers and Members and noted that by and large the issues were of inconvenience to local residents and noted that whether Members agreed or disagreed with the application, the inconvenience would not be taken away, the difference would be in the timing of the inconvenience, whether being early morning or at night, or longitudinal in that the project would go on for longer.

The Solicitor – Planning and Development noted there were two proposals that had been seconded, one from Councillor J Shuttleworth for refusal, seconded first before Councillor J Clare's proposal for approval subject to an additional condition. She asked Councillor J Shuttleworth as regards his reasons for refusal, whether it was in terms of what Councillor J Shuttleworth felt were unacceptable impacts on the amenity of nearby occupiers and businesses.

Councillor J Shuttleworth noted that the Solicitor – Planning and Development correct, and he reiterated that he felt it was totally unreasonable for residents to endure such impact noting that works would not just start at 7am, people would start arriving at 6.30am. He noted the dark winter mornings and added it had been agreed what hours of work would be permitted when the development applications were approved, he felt it was unreasonable for the people of the city of Durham and guests of the Radisson hotel.

The Chair noted the refusal motion would be voted on first and asked the Solicitor – Planning and Development to take Members through the vote.

Councillor M Wilkes noted he had entered the meeting after the Principal Planning Officer had started his presentation and therefore, he would not vote on the application. The Chair thanked Councillor M Wilkes for that clarification.

Upon a vote being taken the motion was **LOST**.

The Solicitor – Planning and Development noted the next proposal was by Councillor J Clare, seconded by Councillor S Wilson, and was to approve the various applications subject to an additional condition regarding monitoring to be agreed under delegated authority by the Vice-Chair and Team Leader from the Strategic Team.

Upon a vote being taken it was

**Resolved:**

That the applications be **APPROVED** subject to the conditions as set out within the report, a Deed of Variation of the Section 106 Legal Agreement to reflect the revised planning applications, amendment to Condition 10 of application DM/20/01332/VOC and an additional condition, the details of which to be delegated to the Team Leader in consultation with the Vice-Chair of the Committee.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/20/01846/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>ADDRESS:</b>	Land at Aykley Heads, Durham, DH1 5UQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross Colin Harding Senior Planning Officer
<b>CASE OFFICER:</b>	03000 263945 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site forms part of a larger area of the city known as Aykley Heads, which can be informally defined as an area to the north-west of the city centre, with its western boundary forming the B6532 (Framwelgate Peth), its eastern edge being defined by the East Coast Mainline, northern boundary forming the southern edge of Newton Hall, and northern boundary the southern edge of Framwellgate Moor. This wider area contains a variety of land uses, but can be broadly characterised by parkland and landscaping on the eastern and southern extent (including the former DLI Museum and Car Park, and Aykley Wood Nature Reserve), with County Hall and associated car parks and infrastructure located in the central and western area, with a mix of commercial developments to the north and east. In a broadly central location is located Durham Constabulary Headquarters and an area known as Aykley Heads Recreation Ground. At the farthest northern extent lie Durham Trinity School and the Aykley Woods residential development.
2. The application site itself comprises a smaller part of the wider area, amounting 15.15ha, which broadly comprises County Hall and its associated car parks and

infrastructure, woodland and parkland that immediately surrounds County Hall, currently disused sports facilities located to the west of Durham Constabulary Headquarters, and an area of previously developed land to the west of the Salvus House which has most recently been used as informal car parking.

3. Access to the site is presently primarily gained from the west from Frawelgate Peth using the existing entrance to County Hall, and from the north via the Aykley Heads access road that presently serves the County Hall staff car park, Aykley Heads Business Centre, Liddon Court, Salvus House, Durham Constabulary HQ, Durham Trinity School and residential development. There are further pedestrian accesses around the perimeter of the site, many on existing paths through the wooded parkland. Although there are many such paths, none are identified as Public Rights of Way on the Definitive Map.
4. A relatively small element of the southernmost part of the site, lies within Durham City Centre Conservation Area, with the northern edge of the Conservation Area abutting the site boundary in other locations. The site itself hosts no listed buildings, however the Grade II\* building that currently hosts the Council's Registry Office is located within 100m of the north western extent of the application site, as are the Grade II listed gate piers and walls to the north west of County Hall, and Dryburn House (Grade II). The currently dismantled Grade II listed Police Communications Tower was formerly located on a site now occupied by the Aykley Woods housing development, but is currently being stored to south of Durham Constabulary HQ. Other listed buildings with 1km of the site include Marquess of Granby Public House (Grade II), Western Lodge and Grey Lodge (Grade II), Low Dryburn Farmhouse (Grade II), Church of St Cuthbert (Grade II), the Obelisk (Grade II), The Grey Tower (Grade II), Fram Well Head (Grade II), Crook Hall (Grade I), and a boundary stone to the north of the Obelisk (Grade II). Groups of additional listed buildings are located throughout the City Centre, with concentrations on Claypath, Old Elvet, Saddler St, South St, South Bailey, Church St and Hallgarth St. In particular, the peninsula also includes a number of Grade I listed buildings. The majority of the site also lies within the inner setting of the UNESCO Durham Cathedral and Castle World Heritage Site.
5. The site generally lies adjacent, but outside of an Area of High Landscape Value, although small areas do fall within the AHLV boundary. There are no statutory or locally designated ecological sites located within the application site, however a Local Wildlife Site at Aykley Vale lies within approximately 350m of the south west of the site, and Hopper's Wood, an area of Ancient Woodland and Local Wildlife Site lies approximately 580m to the east. Other Local Wildlife Sites lie further afield at Bearpark Bogs (approx. 1.1km), Framwellgate Moor Carrs (approx. 1.2km), Low Newton Junction (approx. 1.5km), The Scroggs (approx. 1.6km), and Frankland and Kepier Woods (approx. 1.6km).
6. In terms of other constraints, the site falls with County Durham Plan Mineral Safeguarding Areas in relation to a Coal, Surface Mined Coal, and Glacial Sand and Gravel, and is within a Coal Mining Low Risk Area in relation to historic mine workings. Durham City Centre Air Quality Management Area is situated approximately 560m to the south east of the site. The site lies wholly within Environment Agency Flood Zone 1.
7. The only substantial building currently located on the site is County Hall. An example of mid-20<sup>th</sup> Century modernist civic design in concrete and sandstone, which is considered to be a non-designated heritage asset.

## The Proposed Development

8. The application has been submitted in hybrid form, comprising an element for which full planning permission is sought, and an element for which outline planning permission (with all matters reserved apart from site access) is sought. For the purposes of clarity, each element will be described separately, however this is a single application and should be considered and determined as such.
9. The overall masterplan comprises the demolition of County Hall and the redevelopment of the wider site as a business park with supporting retail, financial and professional, food and drink, non-residential institutions, and assembly and leisure uses with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.
10. The masterplan divides the site into 5 areas of development. 'Plot A North' comprises land currently occupied by County Hall, entrance to County Hall, car parking to the front of County Hall, the 'Taxation' staff car parking, and County Hall service area. 'Plot A South' comprises the area currently occupied by the existing Members' Car Park and Southern Staff Car Park. Plot B comprises the area of the existing Northern 'Ranks' Staff Car Park. Plot C, located at the northern edge of the site is situated on the site of the former Trinity School on an area currently used for parking on an informal basis. Plot D comprises land to the south of Salvus House including land formerly comprising bowls pitches, immediately adjacent to Plot E, which is located to the west of Durham Constabulary Headquarters on a former hockey pitch latterly used for car parking.
11. It is proposed that development would be delivered in a phased manner over a number of years, and an indicative means of phasing has been provided as a part of the application. The intention is that Plot C would be delivered first, and it is for this part of the proposed development that full planning permission is sought. It is envisaged that should planning permission be granted that construction could commence on Plot C during 2021. Following Plot C, it is indicated that Plot D could be delivered, followed by Plots B and part of Plot A North, the Multi-Storey Car Park (MSCP) in Plot A North following the demolition of County Hall, and then Plot E. Further development could then be accommodated on Plot A North, before finally Plot A South would be developed. The indicative phasing is intended to demonstrate that sufficient car parking could be provided for the proposed floorspace at each stage of the development.
12. In terms of floorspace and uses, the application proposes a total of 38,468sq.m of floorspace. Of this total, 37,332sq.m is proposed as office floorspace, with the remaining 1,136sq.m identified as being ancillary floorspace across a range of other commercial uses. The development would also incorporate car parking for 1,131 vehicles across both surface parking and the MSCP.
13. The maximum parameters of each plot are set out as follows:

Plot A North – 4 buildings (excluding MSCP), 14,619sq.m floorspace, max building height of 5 storeys (excluding MSCP), 690 parking spaces.

Plot A South – 2 buildings, 3,712sq.m floorspace, max building height of 4 storeys, 62 parking spaces.

Plot B – 5 buildings (including kiosk), 8,026sq.m floorspace, max building height of 5 storeys. 129 parking spaces.

Plot D – 4 buildings (including kiosk), max building height of 3 storeys, 50 parking spaces.

Plot E – 3 buildings, 5,103sq.m, max building height of 3 storeys, 70 parking spaces.

Full planning permission is sought for the development of Plot C which would comprise the erection of a pavilion style office building amounting to 2,985sq.m of floorspace over two floors with a third pavilion storey, measuring approx. 5.85m at the highest point. The site will also include SUDs features at the south eastern corner of the plot, which would discharge surface water at a greenfield equivalent runoff rate. 130 car parking spaces would also be provided.

14. The application is being reported to the County Planning Committee at the request of Cllr Liz Brown.

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## **PLANNING HISTORY**

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15. The planning history of the site can be summarised as follows:
16. 8/928/176(9) – Office development and associated works. Withdrawn June 1990.
17. 4/98/00612/FPA – Site 01 Aykley Heads Durham – Erection of offices. Approved October 1998.
18. 8/928/4/176(20) - Regulation 3 application to re-build stonewall and erect vertical bar fence. Approved March 2003.
19. 8/928/4/176(21) - Regulation 3 application for surface water balancing pond forming part of drainage system. Approved July 2004
20. 8/928/4/176(22) - Regulation 3 application for consent to display advertisements – proposed announcement facility, adjacent to bungalows/main gate. Approved August 2004.
21. 8/928/4/176(23) - Regulation 3 application for surface water balancing pond forming part of drainage system – Revised Scheme. Approved September 2004
22. 8/928/4/176(24) - Regulation 3 application for temporary car park for construction traffic (up to 1 year) in connection with the development of office site 04. Approved September 2004.
23. 8/928/4/108(7) – Regulation 3 application for resurfacing of footpaths and car parks, changes to car park layout, installation of street lighting and CCTV camera masts. Approved October 2004.
24. 4/04/01192/FPA – Renewal of planning permission 4/04/206 for temporary use of all-weather sports pitch as car park. Approved December 2004.
25. 8/928/4/176(25) - Regulation 3 application for resurfacing, provision of new footway and new/improved lighting and new signage and white lining. Approved August 2005.
26. 4/05/00829/FPA – Installation of 1m satellite dish. Approved October 2005.
27. 4/05/01117/FPA – Enclosure to emergency generator. Approved January 2006.
28. 8/928/4/176(26) - Regulation 3 application for resurfacing of existing footpath and provision of lighting and trimming of trees. Approved November 2006.

29. 4/10/00821/FPA - Temporary change of use of all-weather pitch to parking for 12-month period, 1 January 2011 - 1 January 2012. Application withdrawn.
30. 8/CMA/4/66 - Proposed demolition of redundant two storey annexe building and formation of temporary car park. Approved December 2011.
31. 8/CMA/4/74 – Proposed demolition of redundant two storey annexe building and formation of temporary car park (revised layout) and demolition of bungalow and glasshouse to the north. Approved May 2012.
32. CE/13/00807/PND – Prior notification for demolition (County Hall Bungalows). Approved September 2013.
33. DM/15/01548/FPA – Erection of two storey office building with associated access, parking and landscaping. Approved October 2015.
34. DM/16/01904/PND – Demolition of building (Trinity School) – Prior Approval Not Required June 2016.
35. DM/18/02486/AD – Erection of 2no. non-illuminated adverts measuring 6m x 3m. Approved October 2018

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

36. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
37. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
38. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
39. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

40. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
41. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
42. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. *Developments* that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
43. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
44. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
45. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
46. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
47. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

48. *NPPF Part 17 – Facilitating the sustainable use of minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/guidance/national-planning-policy-framework>

49. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change, design: process and tools, determining a planning application, Environmental Impact Assessment, flood risk and coastal change, Green Belt, healthy and safe communities, historic environment, land affected by contamination, land stability, minerals, natural environment, neighbourhood planning, noise, open space, sports and recreation facilities, public rights of way, local green space, planning obligations, town centres and retail, transport evidence bases in decision taking, travel plans, transport assessments, tree preservation orders and trees in conservation areas, use of planning conditions, water supply, waste water and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### The County Durham Plan

50. *Policy 2 - Employment Land* supports development of and extensions to B1 , B2 and B8 developments within specified employment allocations but also protects other existing employment sites from being changed to non-employment uses unless appropriate marketing has been undertaken for employment uses and that the use would not compromise the main use of the site for B class uses and would comply with retail policy 9 where main town centre policies are being proposed. Specific further protection is outlined for land north of Netpark, Consett Project Genesis site and the Hownsgill Industrial Estate. Where a non-employment development will replace an employment use the jobs will need to be relocated.
51. *Policy 3 – Aykley Heads*. Allocates lands at Aykley Heads as a Strategic Employment Site, and requires any development to reflect principles of development including the provision of high quality, flexible office floorspace, incorporation of an interconnected network of good quality, multi-functional green infrastructure, the setting of new development within a strong landscape framework, provision of compensatory loss of Green Belt on land to the east of the site, provision of enhanced routes to Durham Railway Station and Wharton Park, provides a financial contribution towards playing field re-provision, delivery of attractive, well-designed places, implementation of a water drainage management plan, an enhancement of the entrance to the site from Durham Railway Station, the provision of a high quality gateway fronting onto A691/B6532, the incorporation of bus, pedestrian and cycle routes, and the encouragement of use of Park and Ride Schemes. The policy also makes provision for the release of part of the site from the Green Belt.
52. *Policy 9 – Retail Hierarchy and Town Centre Development*. This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.

53. *Policy 20 – Green Belt.* States that development proposals will be determined in accordance with national planning policy.
54. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
55. *Policy 22 – Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
56. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
57. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
58. *Policy 28 Safeguarded Areas.* States that within safeguarded areas, development will be subject to consultation with the relevant authority and permitted where it can be demonstrated that there would be no unacceptable adverse impacts upon the relevant safeguarded facility.
59. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; and provide convenient access for all users. Major developments are required to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users, and all new development is expected to achieve BREEAM minimum rating of ‘very good’.
60. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting

development will not be permitted near sensitive uses unless the effects can be mitigated.

61. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
62. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
63. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
64. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
65. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
66. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
67. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation

is provided or the proposal meets licensing criteria in relation to European protected species.

68. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
69. *Policy 45 – Durham Castle and Cathedral World Heritage Site.* Seeks to ensure that developments within the World Heritage Site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
70. *Policy 56 – Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **EMERGING PLAN:**

##### City of Durham Neighbourhood Plan (CDNP)

71. A neighbourhood plan is being prepared by City of Durham Parish Council covering the whole parish area. The Plan has been examined and a Decision Statement has been issued. This means that policies can be given significant weight within the decision-making process in accordance with PPG guidance. However, this will vary from policy to policy and depend upon the nature and extent of any changes recommended by the examiner in accordance with Paragraph 48 of NPPF.
72. The following Neighbourhood Plan policies are considered to be relevant to this proposal:
  - Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions
  - Policy S2 – The Requirement for Masterplans
  - Policy H1 – Protection and Enhancement of the World Heritage Site
  - Policy H2 – Conservation Areas
  - Policy H3 – Our Neighbourhood Outside the Conservation Areas
  - Policy H4 – Heritage Assets
  - Policy G1 – Protecting and Enhancing Green Infrastructure
  - Policy G2 – Designation of Local Green Spaces
  - Policy G3 – Creation of the Emerald Network
  - Policy E1 – The Aykley Heads Business Park

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

73. *Cllr Liz Brown (Neville's Cross)* – Although the principle of B1 class use on this site and the employment such development would bring is supported, several comments are made:
- There is a lack of public transport provision within the site. If the county is to be carbon neutral by 2050, the people need to be persuaded out of cars and on to public transport. Park and Ride buses could have designated lanes within the site, and local buses could have stops closer to the new blocks.
  - The need for a 7.5 storey car park is questioned and it is considered that it would exacerbate traffic problems within Durham.
  - More reference to sustainable energy sources could be made within the application. The Council should be looking at alternative sources of energy such as ground heat, photovoltaic cells and mine water heat. Durham University could offer expertise in this area.
  - The need for the office space is questioned. With increasing levels of homeworking in the present crisis, this application could be premature.
  - Given that grant funding would be available, the rush to get the application Plot C submitted is understandable but has led to an application that is some cases out-of-date and appears rushed.
  - The design of the office block on Plot C is generic and doesn't reflect Durham's architectural heritage. Any reserved matters applications on the wider site should take this into account also.
  - There is a large amount of development on a relatively small site including two blocks that infringe on the Durham City Green Belt which should be sacrosanct. The comments of the World Heritage Site Co-Ordinator and Friends of Durham City Green Belt are concurred with.
  - Concern is raised that the application is in direct opposition to main modifications to Policy 3 of the County Durham Plan, which removed ancillary uses from the Aykley Heads site, and only allowed B class uses. Residents may feel that this is a cynical attempt to push the application through before the County Durham Plan starts to carry weight.
74. *City of Durham Parish Council* – The Parish Council originally indicated that it is supportive of the principle of a prestige business park and acknowledged that it has allocated the site for such purposes in the Neighbourhood Plan. It went on to state that whilst acknowledging that Covid-19 has greatly increased home working, any steps that might offer high quality jobs in Durham is welcome.
75. However, concerns were raised with the timing of the application in advance of the proposed Main Modifications to the County Durham Plan being considered by the Inspector. These included modifications that would remove references to ancillary services on the Aykley Heads site. It was further stated that the Parish Council is opposed to the range of non-B1 uses included within the application, and that their inclusion risks damaging public confidence in local government, particularly where the Council has already agreed to remove such uses from the CDP policy for the site.
76. With regards to the planning statement, it was stated that the case of the applicant that there is a strong demand for city centre office spaces is undermined due to the

availability of existing provision, that the Passport Office, NS&I and County Council developments do not demonstrate strong demand as they simply replaced existing offices, and by the fact that the site sits outside of the city centre. Concern was also raised that the submission identifies that no weight should be afforded to the Neighbourhood Plan, when this is incorrect.

77. Following the receipt of the Inspector's Final Report on his Examination of the Submitted County Durham Plan, the Parish Council provided further comment highlighting that they considered that something only short of full weight could be given to policies within the County Durham Plan, and that the modifications to Policies 3, 45 and 46 provide additional significant weight as grounds for refusing the application. It is highlighted that all reference to allowing ancillary uses is removed from Policy 3, and that the text within the policy regarding the circumstances where such uses could be acceptable at Aykley Heads was deleted.
78. *Highway Authority* – No objections are raised. For the outline element of the proposal, in view of the fact parking availability would not significantly increase overall, it is accepted that trip generation would not materially change, and there would be no significant impacts on the local highway network. In order to ensure trip generation relates to parking availability it will be necessary to control parking outside of allocated car park space for the development). A parking enforcement plan is requested to ensure parking can effectively restrict travel demand to the site by car.
79. With regards to Plot C, it is considered that the level of demand would not be material. Concerns were initially raised with regards to the level of proposed parking, EV parking provision and cycle parking provision. Following further information, the level of cycle parking at this plot is now considered to be acceptable, subject to a planning condition relating to a car park management plan, and the precise location of the cycle parking requires further consideration.
80. *Drainage and Coastal Protection* – No objections are raised, following the receipt of additional requested information.
81. *Historic England* – Has no objection to this proposal. It is noted that the site lies within the outer setting of the World Heritage Site and near to the northern edge of Durham City Centre Conservation Area, and that it is experienced in combination with the WHS in a variety of ways, but when visually combined, the distance between the two ensures that the site forms one element in a broad backdrop. There are fine views towards the WHS from within the site.
82. It is further advised that the proposed layout maintains the current relationship between structure and generous green space which provides a mixed urban and green backdrop to the WHS and this helps to illustrate the historic scale of the city. The proposed design code maintains a medium height scale and this should ensure that no one structure stands out and detracts or competes with the WHS in views. The layout of the buildings is very uniform and linear and this could mean that buildings could visually unify to create a large mass but this can be countered by a mix of materials which reflect the variety of tone and texture inherent within the existing city scape. This is within the scope of reserved matters. It is concluded that the proposal would maintain the current neutral impact that buildings on the site make to the setting of the WHS, and would continue the enhancing effect that green space makes to that setting.
83. *Environment Agency* – No objections are raised. It is noted that Northumbrian Water may need to vary their environmental permit to accept additional proposed flows into the treatment works at Barkers Haugh.

84. *Sports England* – Objects to the application. It is highlighted that the application site includes the loss of 1.47ha of playing field comprising the redgra hockey pitch, bowling greens and tennis courts. The development does not acknowledge the requirement of CDP Policy 3 to provide a financial contribution in relation to re-provision. Accordingly, the application is considered not to accord with any of the exceptions to Sport England's Playing Fields Policy or Paragraph 97 of NPPF
85. *Highways England* – No objection is raised. Although there is some disagreement with the methodology utilised by the applicant with regards to trip generation, it is considered that the impact upon the Strategic Road Network is not likely to be material. A condition is suggested relating to a Construction Traffic Management Plan.

#### **INTERNAL CONSULTEE RESPONSES:**

86. *Spatial Policy* – No objections are raised. Comments are provided in relation to the identification and level of weight to be afforded relevant planning policies, as well as assessment of the submitted information in relation to principle of development and mineral safeguarding.
87. *Archaeology* – No objections are raised, subject to conditions relating to a written scheme of investigation and subsequent reporting and archiving.
88. *Design and Conservation* – No objection raised. The redevelopment of the site would result in less than substantial harm to identified designated heritage assets. The principle of the redevelopment of the site is set out in the County Durham Plan and forms part of the evolution of change and economic investment in the city. The redevelopment of the site takes advantage of the existing landscape setting, retaining its dominance at the edge of the conservation area, and locating buildings within the existing landscape features, reducing their impact. Whether the public benefits of the redevelopment are considered to outweigh the loss of the non-designated heritage asset will need to be weighed. Given the nature of the outline application, a full assessment of the impact of each individual building on the identified heritage assets should be undertaken at the reserved matters stage.
89. *Ecology* – No objections are raised. The submitted information is considered sufficient to inform the proposal, however it is noted that no net gain analysis has been provided and it is unclear how the development would achieve this. Waxcap grasslands should be retained on site or if removed, properly compensated. Conditions are requested relating to the mitigation sections of the submitted information. Comments are also provided in relation to footpath construction and lighting methods within woodland areas.
90. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised. Overall, it is considered that the air quality assessment uses current best practice methods to consider the effects of emissions to air associated with the proposed development. Although there is a small error in the risk classification of demolition impacts, this is not anticipated to have any noteworthy impact on the overall outcomes or mitigation proposed. Once traffic data is available for the demolition and construction phase, this should be screened with reference to the EPUK/IAQM (2017) guidance, with particular reference to the increase of Heavy Goods Vehicles to the roads within the Durham Air Quality Management Area. Provided that the recommended mitigation measures are included in a Construction Environmental Management Plan (or similar), and effectively implemented when necessary, it is agreed that the proposed development should be acceptable in terms of its effect on local air quality.

91. *Environment, Health and Consumer Protection (Pollution Control)* – No objections are raised. The information submitted demonstrates that the application with the addition of appropriate controls will comply with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact, subject to conditions relating to management of construction, internal noise levels within proposed buildings, external lighting, and extraction equipment associated with any A3 units.
92. *Environment, Health and Consumer Protection (Contaminated Land)* – No objections are raised, and a conditional approach in relation to land contamination is advised.
93. *Landscape* – The effects of development of individual plots has been assessed individually as being low or neutral / beneficial when assessed against the baseline of their current condition. There would nevertheless be a general intensification of development across the site as a whole that would erode the current undeveloped character of the north-eastern parts of the site in particular. This is balanced by the potential improvements to neglected or run-down areas, a renewed investment in open spaces, and their animation and supervision by new users. It is assessed that the effect on character is fairly substantial in that respect, but the degree of harm is considered to be neutral.
94. Some individual elements would be visible on the skyline in views across the Durham bowl, however combined effect of development at the scales proposed in the Indicative Masterplan and Height Parameters plans would be low, and in keeping with the general character and pattern of development on that ridge.
95. Development in Plot A South would be visible from areas within the AHLV, however the development would be likely to be assimilated by existing vegetation and additional landscaping. It is considered that the effect on the AHLV would be low. Elements of development in Plots A North, Plot B, C and E would be visible on or around the skyline in views across the AHLV but the effect on the AHLV would be low.
96. The most significant visual effects are considered to be in relation to landscape/townscape character. However, it is not expected that the proposals would give rise to significant effects on the visual amenity of nearby residents and users of the landscape other than during periods of demolition and construction which would be temporary in nature. These would need to be assessed at reserved matters stage for individual proposals.
97. *Landscape (Arboriculture)* – No objections are raised. Originally some concerns were raised, however the following the receipt of additional information, the submitted arboricultural report is now considered to be satisfactory and complies with current standards. It is advised that protective fencing must be in place prior to development; fencing must be of the specification outlined within the report.
98. *Public Rights of Way* – There are no recorded public rights of way within the application site. There is however an existing comprehensive network of paths, both surfaced and informal. The masterplan refers to the inclusion of primary, secondary as well as recreational routes within the site, but it is not clear whether all of these routes will be open for public use, for use of those working on the site, or a combination of the two.
99. *Sustainable Travel* – No objections are raised. It is noted that majority of the site lies within 400m of the nearest bus stops, with the remainder within 500m. It is considered that suitable direct walking links towards bus stops from those parts of the site beyond 400m should be provided. The inclusion of routes for sustainable travel on foot and bike are welcomed, as is cycle parking. Improvements to local cycle and shared use facilities

in the vicinity of the site are also identified. A condition is related in relation to Travel Plans.

#### **EXTERNAL CONSULTEE RESPONSES:**

100. *Durham Castle and Cathedral World Heritage Site Co-ordinator* – Objects to the application. Whilst there is a general acceptance of the principle of employment development on the site, there are issues with the impact upon the World Heritage Site (WHS), the setting of the WHS and its approaches. Whilst modifications to the County Durham Plan will increase the respect shown for the WHS with regards to new development, this application sits in the period before such modifications have been agreed. The height parameters for the development have not sufficiently respected the impact on the WHS and show no special regard for it. This would result in penetration by the proposed buildings into the green inner setting of the WHS and the River Wear approaches. Plot A North, Plot B and Plot E would cumulatively impact upon the inner setting of the WHS. Framwellgate Peth would be negatively impacted by increasing the prominence of the Plot A South, and severing connection with the Green Belt. The River Wear valley would be impacted by Plot A North and Plot E cumulatively.
101. *Northumbrian Water Limited* – No objections providing a condition is imposed to ensure that the development incorporates a detailed scheme of foul and surface water drainage.
102. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective.
103. *Police Anti-Terrorism Unit* – No objections are raised, however comments and suggestions in relation to detailed design considerations are provided.
104. *Coal Authority* – No objections are raised. The site does not fall within the defined Development High Risk Area.
105. *Natural England* – No objections are raised. The development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### **PUBLIC RESPONSES:**

106. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.

#### **Objection**

107. 11no. letters of objection have been received from individual residents. The main concerns and queries raised by the objectors can be summarised as follows:

#### **Principle of development**

- The development includes a range of retail and leisure uses that the County Council has agreed to exclude from the Aykley Heads Policy 3 in the County Durham Plan, and that are not compatible with the Neighbourhood Plan.
- There is a lack of evidence with regards to the need for this level of office space within Durham.
- There is already vacant office space within the city.
- It is unclear in the current economic climate and global pandemic what sort of businesses would be likely to locate on Aykley Heads in the future, and what sort of premises would be needed. Office development at this stage seems speculative and risky.

- The development is based on unsound economic and employment projections which have been further and seriously undermined by the Covid-19 pandemic.
- The development promises 6,000 jobs, but actually will only deliver desk spaces. Any claim of job creation is aspirational rather than concretely on offer.
- The proposals for ancillary uses would seriously undermine Durham City Centre, which is already struggling.

#### Green Belt

- The development is an unjustified incursion into the Green Belt

#### Access/Highways

- The traffic section of the plan is inadequate and does not deal with the increasingly dangerous nature of County Hall roundabout. In recent years the risk of collision here has increase as traffic driving fast up Framwellgate Peth race on to the roundabout, leading to accidents
- Transport and accessibility arrangements for the site are scant and lacking in detail.

#### Heritage and visual impact

- It is urged that the development preserves the historic park aspects of the site.
- This development would be detrimental to the outlooks afforded to the World Heritage Site and the city centre, where there is an opportunity to improve these.

#### Sustainability and Climate Change

- It is not understood why the plans do not address climate change. The current campaign of the Architect's Journal and 14 Stirling Prize Winners argues against the demolition of old buildings. The amount of carbon emitted during the proposed demolition and reconstruction would greatly increase Durham's carbon footprint. At the very least a fully argued case for mitigation must be included within the plans.
- The County Council has declared a climate emergency but there is little evidence of those conversations in the application.
- The application lacks information about green energy and transport.
- The proposals seem to be unpinned by the idea that growth depends on infrastructure driven by top-down schemes depending on car usage, rather than through the development of ideas and organic and incremental growth.
- This development offers an immense opportunity to design and build sustainably, demonstrating a commitment to tackle emissions. Instead, there is still the old commitment to the supremacy of the car over walking and cycling. For the sake of the climate, we need to take every opportunity to reverse such priorities.
- Electric Vehicle chargers included must not be tokenistic. At least 50% of all spaces must be equipped with a charger. By 2030 it is estimated that nearly all new vehicles sold will be plug-in hybrids or full-electrics. If there is an underprovision, the car park will be obsolete within a decade.
- Air and Ground Source heat pumps allow the extremely efficient use of electricity to heat buildings. Gas fired heating is out-of-date and can never be disconnected from the emission of carbon dioxide.
- Energy generation must be installed on-site. It is easy and cheap to install solar arrays during construction, whereas retrofitting is more challenging.

#### Biodiversity

- The proposed removal of green belt land coincides with a time when our natural biodiverse environments need to be expanded rather than contracted.

#### Other issues

- It is odd that such a significant application was initially put forward to an officer under delegated powers rather than the County Planning Committee.
- The proposals appear rushed, contain no SWOT analysis, or consideration of trade-offs, or weighing up of economic vs social and environmental benefits.
- Regeneration is needed in Durham, but it needs to be the right type.
- The application is premature, being proposed before the County Durham Plan has been formally approved. It is contended that this is unlawful.
- Concern that the County Council is to act as Planning Authority for a project it is itself promoting, for which it is already engaged in associated developments and for which it has already erected signage to confirm its arrival, and concern that the planning department will be unable to remain impartial.
- Concerns relating to the integrity of the process and honesty of approach, where in relation to a previous development relating to Trinity School, residents did not receive honest answers in response to questions raised, which resulted in loss of amenity and creation of dangerous traffic conditions which remain to this day.
- The County Council has so far failed to ensure the re-erection of the Police Communications Mast which was a condition of planning approval being granted for the Aykley Woods development. This raises questions with regards to assurances given within the current planning application.

108. *City of Durham Trust* has objected to the scheme. Their objection is received on the following grounds;

- Although the Trust supports in the principle the designation of the bulk of the site as a business park, it objects to the application as it fails to deliver and conflicts with policies within the County Durham Plan. The application has been submitted prematurely.
- The economic basis for promoting the business park is rapidly changing and unreliable due to the impact of Covid-19.
- The Green Belt setting of the City and World Heritage Site must be carefully balanced against new development. The application would damage heritage and the Green Belt.
- The lifespan of newer building in this part of Durham is only up to 70 years. This contrasts with the enormous economic benefit of the city's international profile based on the World Heritage Site and city centre which has taken 1000 years to develop, but could be damaged very quickly.
- The green setting surrounding the World Heritage Site and city centre is easily damaged by new buildings. On either side of the proposed new buildings, the hospital and police headquarters are very visible behind the World Heritage Site in views across the city. The new buildings will join up with these and cause harm to the setting of the World Heritage Site.
- The Green Belt helps to stop parts of the city merging and in keeping the countryside on view and accessible. The existing County Hall car park is part of the Green Belt but only has a small impact as it is set behind landscaping. The erection of a three-storey office block in this location would cause much more visual damage than the car park.
- The damage caused by the development can be avoided by lower buildings and by not building upon the car park. Landscaping alone cannot repair the damage.
- The potential for attracting as much development as is suggested is questioned, and it is considered that a reduction in quantum of development would not reduce the benefits that the whole site would offer.
- The application also fails to properly address sustainability, climate emergency, transport and accessibility issues.

109. *Friends of Durham Green Belt* object to the application on the following basis:

- No issue is taken with the principle that Aykley Heads is a designated strategic employment site, and any concerns with the application are raised specifically with regards to Plot A South.
- It is acknowledged that the current site area avoids the issue of a major incursion into the Durham Green Belt, as was originally proposed in the previous iteration of the County Durham Plan. However, concern is raised that proposals remain to ultimately develop a third phase of the Aykley Heads development on the plateau land to the east as a major Green Belt incursion at a later date.
- Plot A South should retain its openness and be grassed, rather than occupied by three-storey and four-storey office buildings. If it is developed, then its boundary needs to be reinforced to create readily recognisable and permanent features delineating the boundary of the Green Belt.
- The application acknowledges that the proposed development within the Green Belt would be inappropriate, but contends that it is acceptable as it meets the other four tests within the NPPF. This is a false argument.
- The application also argues that the development of Plot A South is crucial for achieving the benefits of the overall site by creating a gateway. This is also a false argument as Plot A North could also provide a gateway, and indicative phasing suggests that Plot A South would be the last to be developed so is not crucial for the delivery of the remainder of the development.
- No substantive case is made to treat this loss of part of the green belt as being justified by very special circumstances.

110. *Elvet Residents' Association (ERA)* objects to the scheme, making the following comments:

- ERA is generally supportive of the site with the object of job creation as its driving force, however the main objection concerns the intrusion into the Green Belt and the impact on the setting of the World Heritage Site (WHS) and historic centre of Durham City. The preservation of the green belt, setting of WHS and the city must be balanced against new development, as quoted in the WHS Management Plan.
- The green belt is of great significance, with views from and towards the hills forming a wonderful setting for the WHS. Also, the green areas separating the historic city centre and the newer areas of Durham form 'green wedges' facilitating views to the hills beyond.
- The height of the proposed buildings would be a threat to these unique and lauded characteristics. A three-storey building on the current green belt area would block views towards the cathedral and city when approaching from A691 and B6532. The car park should remain a landscaped area, with the office block being built in a less sensitive part of the site at a lower height.
- Mountjoy Hill and Whinney Hill both afford wonderful views of the setting of the city, and both would be compromised to the detriment of the WHS setting.
- The presence of facilities such as for food and drink, recreation, leisure and shopping could combine to make the site a self-sufficient daytime campus, when the city centre would benefit a great deal from this business activity.
- Post-Covid the emergence of homeworking means that there will be less requirement for office space.

111. *Western Relief Road Action Group (WRRAG)* has objected to the scheme. Their objection is received on the following grounds;

- The application is opportunistic and premature. If determined in its present form it would pre-empt finalisation of both the County Durham Plan and City of Neighbourhood Plan.

- The County Council has included a demonstrably dishonest statement within the application that the Neighbourhood Plan has not yet been subject to examination, and hence has not reached a stage where weight can be afforded to it. The Council is perfectly aware that this is a gross misrepresentation of the true position.
- Whilst the application may be seen as very important to the County, it is the permanently damaging impact on the City of Durham to which WRAGG objects. Should it be permitted, it would represent an outrageous abuse of power warranting strenuous representations to the Secretary of State. WRRAG would strongly support any proposal for this application to be called in.
- The County Council is called upon to withdraw the current application until such time as it could be considered in the context of adopted plans for both the County and Durham City Neighbourhood. The application in some respects is not in accordance with the emerging County and City plans, an example being that the application ignores the restriction which the Planning Inspector called for in relation to Policy 3 of the County Durham Plan, that the Council has agreed to make, in order to exclude ancillary uses.
- The application pays scant regards to climate change, which is unbecoming of a County Council which has declared a climate emergency and set challenging targets to assist reduction in global warming.
- The application has minimal regards to the concept of sustainability and policy commitments in the emerging Development Plan to matters of sustainability, and contrary to the letter and spirit of NPPF.
- The application insufficiently recognises the impact of transport on sustainability, the environment and air quality. Transport arrangements to, from and with Aykley Heads should form part of a yet-to-be developed integrated Transport Plan for City of Durham, and transport arrangements for Aykley Heads must not be determined in isolation of this.
- The proposed masterplans will make a major contribution towards over-concentration of development in Durham City at the expense of the wider county. Significantly scaling down of target numbers at Aykley Heads would assist in reducing that over-concentration, reduce adverse environmental impacts including traffic congestion and air pollution, and present a more realistic, achievable aspiration in a radically changing environment. A scaled down development could also offer a more attractive environment, improving the prospect of increasing inward investment, as well as helping to offset the sustainability deficit from which the current proposals suffer. Targets for the Aykley Heads development should now also be significantly adjusted downwards to reflect post-pandemic realities and obvious socio-economic consequences.

112. *Transition Durham* raise the following issues:

- There is little, if any, commitment in the application to address the climate emergency issues associated with this development. It is also questioned whether the Council's Low Carbon Economy Team have been consulted.
- The application is premature, rushed and full of errors, with a lack of consideration/adherence to recent policies/plans. This includes a direct clash with the CDP Main Modification 24 on ancillary uses.
- Sustainable energy generation on-site should be insisted upon. Recently developers have shirked their responsibilities with regards to this.
- A priority area in the Council's Climate Change Action Plan was to take a fabric-first approach to building design and to ensure that all new buildings exceed standards required by building regulations.
- Has a feasibility study on minewater or ground source heating been carried out, and has the expertise at Durham Energy Institute or Geoenergy Durham been

consulted? As a minimum air source heating and solar arrays should be installed instead of gas-fired boilers.

- The proposals are building in obsolescence by proposing only 5% EV charging parking spaces. UK Government's Road to Zero Strategy sets out an ambition for at least 50-70% of new car sales to be ultra-low emission by 2030, alongside up to 40% of new vans. There needs to be a much higher percentage of EV spaces to avoid the high cost of retrofitting.
- The maximum number of car parking spaces should be reduced further to show the County Council's commitment to reducing reliance on the private car and restricting air pollution.
- The transport plan is inadequate and lacking in detail and sustainability ambition.
- Pedestrian and cycling access into and through the site has not been properly assessed and design, and there appear to be no plans to address the existing safety issue of accessing the site on foot or cycle, from the city centre and surrounding areas.
- The development proposed in Plot A South in the Green Belt is not justified and will damage the view into the parkland area. At only 10% of the overall proposed floorspace, there are many alternative sites in Durham City that could be considered for less than 4,000sq.m of floorspace, if indeed there is a requirement at all.
- The proposed heights of buildings needs to be constrained. Landscaping cannot mitigate the huge impact of the proposed buildings on the World Heritage Site. Insufficient weight has been applied to the setting of the World Heritage Site.
- The proposed block designs are unimaginative, do not endorse sustainable design for longevity, and there is no design linkage to the historic city heritage
- The economics of the speculative development on Plot C are unsound. No consideration has been given to the impact of Covid-19 on future office space need, with unrealistic figures cited for jobs and salaries.
- This application should be withdrawn and replaced with a sole application for the Plot C site, revised to be futureproof in design, considering the both the implications of Covid-19 and the climate emergency, as well as the impact on the World Heritage Site and Green Belt.

Neutral

3no. representations indicating a neutral stance have been received, raising the following issues:

- Initial plans are impressive, but it is queried whether the Council had considered the possibility of developing a museum or library within the programme works. There is a great untapped opportunity to work with Durham University and Durham Cathedral as partners to produce a world-class building to house the treasures of the city under one roof, combining a space for culture, arts and history which could draw tourists from around the globe.

113. *Durham Trinity School* – It is highlighted that staff and visitors currently use parking facilities at Aykley Heads as the new school building has insufficient parking. Reassurance is sought that parking will continue to be made available for staff and visitors.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

**APPLICANTS STATEMENT:**

## Applicant's Statement

114. The Council's overarching vision is to create an 'altogether better Durham'; with a focus on creating an 'altogether wealthier Durham' by improving the economic performance of the County as a whole. The key driver for a vibrant economy is to increase the level of productivity and higher value employment across the county; improving this will increase levels of disposable income and demand for goods and services, increasing the numbers of businesses and providing the opportunities to help tackle economic deprivation.
115. Following approval of the new Council headquarters, there is an opportunity to bring forward the Aykley Heads site for redevelopment as a strategic employment site, in accordance with Policy 3 of the recently adopted County Durham Plan. As such, the Proposed Development seeks planning permission for the Aykley Heads Masterplan, which will address an identified need for employment land in County Durham.
116. The vision for Aykley Heads is to create a new and unique business location for the North East that maximises economic growth in County Durham and delivers jobs in new and growing sectors with the aim of providing a high quality employment location that contributes to the delivery of more and better jobs. The Proposed Development will provide a high quality modern central business location, in a mature parkland setting, within walking distance of the mainline train station and city centre and will provide a unique work and lifestyle offering.
117. The Aykley Heads Masterplan will provide up to 38,468sqm of floorspace and intends to create circa 4,000 jobs. This will enable Durham to become an employment centre within the North East and help to unlock the private sector investment that brings cutting edge companies and high-quality jobs to the area.
118. The Masterplan comprises 2 phases, Phase 1 – the northern zone and Phase 2 – the southern zone. The Site is divided into 6 plots and each plot will provide office accommodation and surface parking, whilst some plots will also provide supporting ancillary uses. A multi-storey car park (MSCP) is also proposed for Plot A North.
119. Plot C, in the northern zone, will be the first office building to come forward on site and time-limited funding from the LEP, for £6 million, has already been secured in order to facilitate the successful delivery of Plot C.
120. The flexible office space provided within Plot C and across the wider Masterplan will meet operator requirements and businesses of all sizes from a single tenant to multiple occupiers, including SMEs. This also presents opportunities to retain talented young people from local colleges and the University.
121. The Masterplan has been through an extensive design process, including an independent design panel review by Design North East who are supportive of the ambition for a campus-type environment. The design of the Masterplan has taken account of the existing landscape character and value and has integrated the proposed buildings within the existing landscape setting with plenty of opportunities for public realm and social interaction.
122. Overall, the proposed development will allow for the sympathetic redevelopment of the Aykley Heads site and will contribute significantly to the Council's employment land supply. Furthermore, it is considered that the proposals are fully compliant with policies contained in the adopted County Durham Plan 2020 and the Emerging Durham City Neighbourhood Plan.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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123. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development, visual, townscape, landscape and heritage impact, traffic, transport and sustainable travel, layout and design, residential amenity, ecology, flooding and drainage, contamination and land stability, loss of sports facilities and safeguarding minerals. Other considerations are also discussed.

### The Principle of the Development

#### *The Development Plan*

124. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

125. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### *Principle of the development – County Durham Plan*

126. Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.

127. Policy 2 of the CDP identifies that there are currently 3ha of undeveloped land at Aykley Heads however it details that this excludes areas that are currently in use for employment; notably car parking and buildings associated with County Hall. These 3ha are allocated for B1 uses only. The policies map confirms that these areas are plot C, plot D and plot E of the Aykley Heads masterplan detailed within the submission. The

principle of the proposed office uses on these areas is therefore established by Policy 2.

128. Policy 3 of the CDP specifically relates to Aykley Heads and is the key policy in assessing the proposed development in terms of the detail of the proposed scheme. The policy identifies the site as a strategic employment site to deliver high quality office floorspace and confirms that the site as a whole is 9ha in total which includes the 3ha in Policy 2, and a further 6ha which relates to car parking and buildings associated with County Hall. It further recognises within the 9ha is an area of 1ha which is to be released from the Green Belt. This relates to visitor and members car park south east of County Hall (Plot A south). The application site covers this area, i.e. plots C, D and E at the north of the site and Plots A and B which fall on the footprint of the County Hall area.
129. With regards to the principle of development, the proposed office (B1) development on the site is in conformity with Policy 3. However, detailed consideration of the scheme against the relevant criterion (a – j) of the policy will occur in later sections of this report.
130. At the point of original submission, the proposed development represented an application for B1 office space in a location outside of a town centre, which would have required consideration in the context of an out-of-date local plan (The City of Durham Local Plan). As a result, and in accordance with Paragraph 86 of the NPPF, the application included a sequential assessment, which several objectors have raised issues with, in terms of both methodology and conclusions drawn. However, with the subsequent adoption of the County Durham Plan, which allocates the Aykley Heads site for B1 office use (Policy 3) and provides a framework for considering other town centre uses (Policy 9), the requirement to carry a sequential assessment has fallen away. Paragraph 86 of NPPF limits the application of a sequential test to circumstances where such uses are proposed in out-of-centre locations and would not be in accordance with an up-to-date local plan. The County Durham Plan is considered to be up-to-date, the principle of B1 use on the site has been established, and the content and conclusions of the submitted sequential assessment are therefore now considered to be of little weight in the decision making process.
131. It is noted that the application also proposes supporting ancillary retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure). These are uses are not directly reflected within Policy 3 and therefore will need further assessment, this is considered below.
132. It is noted that since the application was submitted, the Town and Country Planning (Use Classes) Order 1987 has been subject to significant amendment through a number of Statutory Instruments, which retained Class B1, but replaced Classes A2, A3, D1 and D2 with Classes E, F1 and F2. However, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 sets out transitional arrangements which state that for any planning application submitted prior to 1st September 2020, that the schedule of uses within the Use Classes Order in effect when the application was submitted should be used to determine the application. The application was submitted in July 2020 and should therefore be considered in the context of the Use Classes Order at that time, prior to the latest changes.

#### *The principle of non-office uses on the site*

133. It is recognised that the uses described within the description are largely identified as main town centre uses within the NPPF, and the principle of office use (B1) on the site has been established through CDP Policies 2 and 3. The principle of the other uses has not however been established.

134. Policy 2 of the CDP identifies where the development of non-employment uses (i.e. those outside of the B use classes) will only be acceptable on an allocated and protected employment site in specific circumstances. The policy stipulates a requirement to demonstrate that the site has been marketed for a period of time (criterion (a)), or the proposed uses would not compromise the main use of the site for B class uses, and would comply with Policy 9 (Retail Hierarchy and Town Centre Development) (criteria (b)).
135. In this instance, it is considered that criteria (b) is applicable given that the proposed levels of non-office floorspace (non-B class uses) equates to less than 3% of the scheme in its entirety. It is therefore considered that the levels of non-B use class uses would not compromise the ability of the site to deliver an office development.

*Sequential Test for non-offices uses*

136. The NPPF and Policy 9 of the CDP identify that proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test where they would not be in accordance with an up-to-date local plan. This reflects advice within the NPPF, paragraphs 86 and 87.
137. As outlined above, the applicant initially provided a sequential assessment that considered alternative sites for the development in its entirety, including the office element for which the site is now allocated. The assessment concluded that there are no other sites that are available, suitable and viable within the city centre or indeed on other edge-of-centre sites.
138. The applicant has since provided further information to supplement their initial sequential assessment, which has identified whilst it is evident that if the proposed development were to be disaggregated, that there are sites and vacant units within the city centre, the non-office uses are ancillary to the main use and would support the functioning of the wider employment site, and in that respect it would be unreasonable and irrational to require these uses to be disaggregated to a defined centre.
139. Having considered this assessment, it is considered that the applicant's conclusions are reasonable. There is not any general requirement within national policy for an applicant to disaggregate elements of a proposed development (i.e. the ancillary uses) in order that it can fit on alternative sites, beyond what might constitute reasonable flexibility.
140. The levels of non-office, town centre use floorspace proposed as part of the application are relatively small, amounting to 1,136sq.m in total, of which, the applicant has indicated, no more than 400sq.m would constitute A1 retail. Such a level of floorspace within a much larger B1 office development is considered to be unlikely to ever operate as a retail destination in its own right, and instead would simply meet the day-to-day convenience needs of occupiers of the site. The proximity to the city centre would mean that the ability to access a wider range of goods and services would not be precluded, in much the same way that existing County Council employees can access both a shop and canteen at County Hall, but some also choose to make the journey into the town centre. The town centre uses offered at the location would operate as ancillary service uses and would serve to increase the attractiveness of the office space to the market.
141. Accordingly, it is considered that it would be unreasonable to expect the applicant to disaggregate the development; the proposed non-office town centre uses would operate as ancillary elements, and by definition, an ancillary element provides support to a primary activity at a specific location.

## *Retail Impact Test*

142. CDP Policy 9 stipulates that an impact test will be required where 1,500 sqm of convenience retail floorspace or 1,000 sqm of comparison retail floorspace is proposed. This is where a scheme may impact on a sub-regional, large or district centre. In this instance the proposed floorspace would not trigger such an assessment on the city centre.
143. The policy goes on to state that where proposals are in excess of 400 sq.m of convenience or comparison floorspace, which could impact on a small town or local centre, an impact assessment will be required. In this instance the application site lies less than 1km of Framwellgate Moor Local Centre as defined within the CDP. The applicants have not provided an impact assessment; however, they have confirmed that the levels of A1 uses would not exceed 400sqm. On this basis it is accepted that an impact assessment is not required in this instance, and that proposed level of retail floorspace would be unlikely to have a significant adverse impact upon Framwellgate Moor Local Centre as a result. In order to retain control over levels of A1 retail floorspace within the development, it is recommended that a planning condition restricting to the total A1 retail floorspace to more than 400sq.m be attached to any permission.
144. With it having acceptably been demonstrated that the proposed non-office town centre uses would not have a significant adverse impact on existing city and district centres, and it being accepted that it would be unreasonable to disaggregate the development for the purposes of sequential assessment, it is considered that the application is in accordance with CDP Policy 9 in this respect.

## *Non-office retail uses and CDP Policy 3*

145. Several objectors to the application have raised that they believe that the main modifications to CDP Policy 3 prior to adoption now means that the inclusion of non-office uses should be considered to be contrary to this policy, and are therefore unacceptable.
146. With regards to this, it is acknowledged that in considering CDP Policy as drafted within the pre-submission draft of the CDP, that the Inspector found that *“Part (c) of Policy 3 would allow a wide range of main town centre uses without any effective control over their scale or nature. They are not necessary to support the development of the proposed high-quality offices, and are not justified in this location, outside of the city centre. If genuinely ancillary uses, such as a small café, convenience store or creche were proposed, they could be effectively considered in the context of Policy 9 relating to main town centre uses.”*
147. It is considered that this finding indicates that the Inspector was concerned with regards to Policy 3 effectively allocating the site for town centre uses in addition to B1 office use, and that such an allocation would not be necessary or justified. However, the Inspector did not find that such uses would be unacceptable in any form, and indeed acknowledges that genuinely ancillary town centre uses on the application site could be effectively considered in the context of CDP Policy 9 (Retail Hierarchy and Town Centre Development). It is considered that if the concerns of the Inspector regarding such uses was such that they would be unacceptable as a matter of principle, any reference by him to assessment of these against the requirements of CDP Policy 9 would have been superfluous.
148. The main modification to CDP Policy 3 reflects the concerns of the Inspector in this respect, and in its adopted form, makes no reference to other town centre uses beyond B1 office use. Whilst the policy no longer allocates the site for any additional uses,

neither does it explicitly exclude them. Instead, the appropriate route for the consideration of such uses, is through CDP Policy 9, as advocated by the Inspector, and as carried out above.

### *Principle of Development – City of Durham Neighbourhood Plan*

149. CDNP Policy E1 relates specifically to Aykley Heads Business Park, albeit it identifies a smaller development area than that identified within CDP Policy 3, and does not include the car park area of Plot A South. CDNP Policy E1 supports prestige offices, business incubators and start-up businesses. The policy requires any development to have regards to the masterplan standards of sustainability required by CDNP Policies S1 and S2.
150. In his report, the CDNP Examiner recommends the amendment of the policy wording in order provide greater clarity. This includes removal of specific reference to CDNP Policy S1, and the clarification that any development would be supported where it is accordance with a masterplan or other design and development framework prepared under CDNP Policy S2. The recommended changes also include removal of reference to a design brief within the supporting text, and the removal of an absolute requirement for an Environmental Impact Assessment to be carried out for the development of the site.
151. The supporting text to Policy E1 states that ancillary uses such as a café, a crèche, a gym and business support serving the principal high-quality occupiers of Aykley Heads can be considered, but must pass a strict test of meeting the needs of those working on the site, and thereby avoid the unnecessary loss of valuable and scarce land for prestige use.
152. With regards to the principle of the development, it is considered that significant weight can be afforded to the policy in this respect, as the recommended modifications would not fundamentally affect this. The use of that part of the site allocated under CDNP Policy E1 for B1 office use is considered to be acceptable, and in accordance with the policy. With regards to non-office uses, this particular point has been considered in detail against the relevant policies within the CDP. As stated, the non B1 class uses or 'ancillary uses' are considered acceptable in terms of scale, and would not conflict with this policy.
153. Other parts of the policy, for example the requirement to produce a masterplan will be considered elsewhere in this report. It is noted that the Examiner has recommended that references to the preparation of a design brief and the requirement for EIA be deleted from the policy, and no weight is afforded to these requirements as a result, albeit the application is accompanied by an Environmental Statement in any event.

### *Green Belt*

154. At the time of submission, the application site included approx. 1ha of land located within the Green Belt, in an area broadly comprising the existing southern staff car park (Plot A South). Several objectors, including Friends of Durham City Green Belt have raised the impact upon the Green Belt as matter of concern in their representations.
155. Since submission, the CDP has been adopted, within which CDP Policy 3 makes provision for the deletion of 1ha. of Green Belt in order to accommodate the development. With the case for very special circumstances for the removal of this part of the site from the Green Belt having been made to, considered, and accepted by the Inspector as part of the Examination in Public of the CDP, it is considered unnecessary to re-rehearse these arguments as part of the consideration of this application. The

development of that part of the site subject to allocation through CDP Policy 3 and formerly formed part of the Green Belt is considered to be in accordance with CDP Policy 3 and there would be no conflict in this regards in relation to the principle of the development.

156. It is acknowledged that small areas, in particular including an area at the southern extremity of the application site fall outside of the CDP Policy 3 allocation and as a result remain within the Green Belt. CDP Policy 20 requires applications for development within the Green Belt to be determined in accordance with national policy. NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
157. It is noted however that no built development is proposed within those areas of the application site that continue to fall within the Green Belt and are shown on the indicative masterplan to form part of the green infrastructure associated with the development. It is considered that this would not comprise inappropriate development, for the purposes of NPPF, and as a result, there would be no conflict in principle. With CDP Policy 3 (b) requiring any areas of the site bordering the Green Belt to provide readily recognisable and permanent features delineating the boundary of the Green Belt, detailed consideration of this part of the site will follow elsewhere in this report in relation to consideration of landscape impact.
158. In summary, the proposed development would, in principle, be in accordance with CDP Policies 2 and 3, and where it relates to non-office uses, be in accordance with CDP Policy 9, as well as Policy 20 where relevant. It would also accord with the requirements of CDNP Policy E1.

#### Visual, Townscape, Landscape and Heritage Impact

159. Key documentation submitted within the application in respects to visual, townscape, landscape and heritage impacts includes ES Chapters on Cultural Heritage and Landscape and Visual Impact, along with associated figures and technical appendices including a Landscape/Townscape Visual Impact Assessment (LVIA) and Heritage Statement (HS). Other documentation submitted which is key to the assessment of these issues are the suite of plans, Design and Access Statement (DAS) and tree report.
160. A number of objections to the development relate to the visual, townscape, landscape and heritage impacts of the development. The concerns relate to a broad range of related issues fully summarised earlier within this report, but include impacts upon the WHS, including its outstanding universal values (OUVs), the Conservation Area and, the general impact of the development upon its surrounds, and the adequacy of the design.
161. As is the case with Durham City Centre in general, due to its outstanding heritage, the site is located within an area of sensitivity in terms of the potential for a development to affect the townscape and heritage assets. The site is largely located outside of, but adjacent to the Durham (City Centre) Conservation Area, but is largely within the inner setting of the Durham Castle and Cathedral World Heritage Site (WHS), the boundary of which is situated approximately 1km to the south. The WHS site itself contains a host of listed buildings including the grade I listed Cathedral and Castle and several individually listed associated features and structures. County Hall itself is considered to be a non-designated heritage asset in NPPF terms.
162. In assessing an application, regard must be had to the statutory duty imposed on the Local Planning Authority at section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving

or enhancing the character and appearance of a conservation area. In addition, section 66 imposes a statutory duty that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.

163. With regards to the WHS, the ES identifies that the site has views towards the castle and cathedral, and views towards the site include those where the cityscape can be seen against the WHS. The inner setting of the WHS is broadly contiguous with the “Durham Bowl”, contained by ridges. The enclosing landscape setting of the WHS is one of its key features, with significance derived from the drama of the castle and cathedral’s position on the peninsular. It is identified that views of the cathedral and castle with a foreground of the historic city often express one of the outstanding universal values of the WHS, and where such views also include the river and rural fringes they are enhanced. It also identifies that Framwellgate Peth is one of the historic routes into the city centre.
164. The Heritage Impact Assessment (HIA) tests the proposed development in a series of key views from around the city, in order to establish the potential impact of the development upon heritage assets, and in particular, the WHS. These views are identified within the HIA as being views 7D (Framwellgate Peth), 11 (St Aidan’s College), 12 (St Mary’s College), 14 (Mountjoy Reservoir), 19 (Hillcrest off Claypath) and 22 (Access road to Kepier Training Centre, A690).

#### *View 7D – Framwellgate Peth*

165. In this view it is evident that the proposed development would extend over a larger area than County Hall, however the indicative blocks would be largely screened by existing trees. Some elements of Plot A North would be visible through the trees, along with glimpses of Plot A South and Plot B. The HIA considers that the development in this view would be experienced in a similar way to which County Hall currently is.
166. In terms of impacts upon the Conservation Area and its setting, the HIA considers that those visible elements of Plot A North, Plot A South and Plot B would replace the existing almost full height view of the south wing of County Hall, and that the new built form would be understood in a semi-urban/rural context. The Framwelgate Character Area of the Conservation Area is predominantly experienced through the tree lined peth, and that existing vegetation and mature trees would enable this historic route to continue to be understood. It is acknowledged that County Hall forms part of the setting of the conservation area, but this contribution is primarily through the landscape setting rather than the building, and the character of large informal open spaces would be retained by the development. The development would generally be of lower scale than County Hall, and would be broken into several blocks. The HIA notes that Plot A South would lie partially within the conservation area itself, but would be of a scale that would closely relate to existing development, would retain the key existing landscape features that contribute positively to the conservation area, and that the incursion of new built development would be relatively modest. However, the HIA also notes that County Hall is non-designated heritage asset that would be lost in its entirety in this view. Overall, the HIA concludes that in View 7D the proposed development would have moderate adverse overall affect.

#### *View 11 – St Aidan’s College*

167. In this view, the HIA notes that wooded slopes of the bowl and peninsular create a layered view towards the WHS which takes the form of the cathedral sitting in a largely

rural setting, which does not reflect the buildings and roofscape of the historic city core. The castle is not visible. It is suggested that at present the WHS is understood in this view in the context of later development such as County Hall, Police HQ and Newton Hall. With regards to the conservation area, the HIA notes that this view does not exhibit the visual contrast between the harder urban environment of the city, with the dense woodland canopy that forms its setting, as the city centre is not readily visible. Crook Hall is partially visible in this view, and its outlook towards the WHS can be understood. Its visual connection with Aykley Heads reflects its historic role in the agricultural Aykley Heads estate. Likewise, the spire of St Nicholas' Church is visible in this view and the setting as a skyline landmark accentuates the religious significance and relationship with the cathedral. County Hall appears in the east of this view, within its landscape setting. Although partially screened by trees, the upper floors are visible above the tree line. The design rationale to minimise the impact of County Hall upon the Cathedral is evident in this view.

168. The HIA identifies that in this view that Plot A North would occupy approximately the same area as County Hall, with areas of new built development extending to the north and east, although at indicative scale, all plots would site below or align with the woodland backdrop. It is also likely that the upper storeys of both Plots A South and B would be partially visible in this view, but also filtered by trees. It is considered likely that Plots C, D and E would not be visible.
169. In terms of the WHS, the HIA considers that it would continue to be read amongst woodland and open ground. Additionally, there is a separation in this view between the proposed development and Cathedral, allowing the WHS site to remain the dominant feature and continue to be understood. With regards to the conservation area, the HIA states that in this view it is experienced as a rural setting which does not reflect the rich variety of built form of the historic city core, and that the juxtaposition of historic buildings visible in this view with newer buildings would be sustained. It is also considered that the proposed built form and separation would not affect the understanding of Crook Hall or its relationship with the WHS. The heritage interest of St Nicholas' Church would be affected. Overall, the HIA considers that although the view is of high value, the effect of the development would be negligible.

#### *View 12 – St Mary's College*

170. The HIA establishes that this is a 'designed view' with a direct visual relationship with the WHS, with the Cathedral appearing amongst the woodland of the peninsular, Crossgate and Elvet. This view partially expresses the visual drama and scale of the WHS, tempered by the fact that although the woodland of the inner bowl is visible, the topography is not. The Castle is not visible in this view, which is also understood in the context of later development at St Mary's College. The HIA identifies that the character of the conservation area is considered to be partially illustrated in this view, although the wider setting of the outer bowl is not visible. It further considers that areas of open countryside and green spaces on the outskirts of the city and penetrate inwards are a key characteristic, however the contrast between the harder urban environment is not appreciated here.
171. In terms of impacts, the HIA concludes that the indicative scale parameters suggest that the development would not be visible in this view, as all blocks would sit below the tree canopy. Indeed, existing buildings at Aykley Heads such as County Hall are not currently visible in this view. As a result, it is concluded that the overall effect on this view would be negligible.

#### *View 14 – Mountjoy Reservoir*

172. Whilst not a 'designed view' the woodland belts that flank the reservoir create a channelled view towards the WHS, with both cathedral and castle appearing amongst woodland, open ground, buildings and roofscapes. The view also demonstrates the visual drama and scale of the WHS dominating the cityscape and landscape. The HIA also identifies that Mountjoy is associated with the story of St Cuthbert's coffin arriving into Durham, and consequently forming part of a pilgrimage route, which contributes to the historic interest of this view. It is however noted by the HIA that the view is understood in the context of later development such as John Snow House, University Hospital of North Durham, County Hall, and Police HQ. The HIA also identifies that the character and heritage interest of the conservation area is well illustrated in this view, as is the religious and historic significance of the churches of St Oswald and St Nicholas. The obelisk is also visible in this view, although its understanding is partially diminished due to it being viewed against University Hospital of North Durham. County Hall forms part of the backdrop of this view, set within the inner bowl wooded slopes and with the outer bowl surroundings in the distance, showing the importance of the landscape setting. The design rationale of County Hall is also understood, with taller elements protruding above the tree line, but sitting below the short spires of the Cathedral's eastern range, remaining subservient to the Cathedral as a whole.
173. With regards to the proposed development, the HIA identifies that most of it would be concentrated around the same area in the view currently occupied by County Hall, however Plot E would extend to the north east, towards Police HQ. All plots would sit below the extent of tree canopy and outer bowl ridgeline. The HIA states that Plot A North would occupy the same area in the view as County Hall, with the multi-storey car park (MSCP) partially screened, but with upper levels visible. It also identifies that the MSCP would sit lower than the spires of the Cathedral's eastern range and would appear in the gap between the cathedral and castle. It is also stated that the remainder of built development on Plot A North would sit lower than County Hall. Plots A South, B, C and D would not be visible in this view, although the upper storey of Plot E would appear nestled into surrounding woodland.
174. In terms of impacts, with regards to the WHS, the HIA identifies that development would replace County Hall in the existing view, sustaining the contrast between historic and modern city, although the heritage interest of WHS would be slightly affected by the built form extending over a greater area. However, it is stated that, this would be balanced by the lower overall built form in comparison to County Hall. Plot A North has the potential to appear as backdrop to the Cathedral's eastern spires, but this would not be dissimilar to the way in which County Hall is currently experienced in this view. The HIA also notes that the development would remain subservient to the WHS. The tower and spires of the churches of St Nicholas and St Oswald would retain their landmark status due to visual separation from the proposed development, and for the same reason the appreciation of the Obelisk would not be unduly affected. Overall, the harm where it exists due to the increase in built form, would be balanced by the reduction in scale that those buildings would represent in relation County Hall at present, consequently, the HIA concludes that the effect of the development on this view is considered to be negligible.

#### *View 19 Hillcrest (off Claypath)*

175. In this view, the HIA notes that the WHS is not visible, and that the character of the conservation area is only partially illustrated, with the inner bowl, steep wooded slopes and green fringes evident. However, the visual contrast with the urban environment and the WHS is not evident, with only later outlying development at County Hall and Police HQ evident.

176. The proposed development would extend the built form in this view over a larger area than at present, although the blocks would likely be screened – it is acknowledged that the shape of the rooflines of Plot A North could be glimpsed through woodland. Overall, it is considered with the HIA that the development would have negligible effect on this view.

#### *View 22 - Access road to Kepier Training Centre (A690)*

177. This view includes the setting of Kepier Hospital and Farmhouse (Grade I and II\* listed and Scheduled Monument). The inner bowl of the conservation area is also evident, and the high value of the green spaces which penetrate the city can also be observed, although the variety of built form of the conservation area is not demonstrated in this view. The WHS is not visible.

178. Like View 19, the HIA states that the built form in this view would be extended over a large area, but would be largely screened. However, it does identify that the rooftop of the MSCP and buildings within Plot A North would likely be seen as shapes filtered by the woodland. The rooftop of Plot C's upper pavilion may also be partially visible, and Plot E may be seen as a shape beyond existing trees. None of the buildings would break the sky line, and would be experienced within a woodland backdrop.

179. In terms of impacts, the HIA concludes that Kepier Hospital would continue to be understood as being in a rural fringe, adjacent to the river and secluded by trees. In terms of the conservation area, built form would extend over a larger area within the setting of the conservation area, but where built form is visible, it would be within the existing parameters set by County Hall, or experienced as rooftops amongst woodland. Overall, the HIA assesses the impact of the development in this view to be negligible.

#### *Other heritage assets*

180. The HIA contains a thorough assessment of the potential impact of the development upon a range of other designated and non-designated heritage assets, and concludes that there would be a negligible effect upon Aykley Heads House, Gate Piers and Walls North West of County Hall, Police Communications Tower (in its present location), Low Dryburn Farmhouse, Dryburn House, Church of St Cuthbert, Durham Railway Station and Wharton Park, and Durham City Centre Conservation Area, and a minor adverse – negligible impact upon the DLI Museum and Garden House Public House. County Hall itself is identified within the HIA as being a heritage asset of low significance, but where, due to the loss of this asset there would be a major adverse impact. Consequently, the overall effect is assessed as being moderate – minor adverse.

181. Overall, the HIA concludes that the development would result in less than substantial harm to heritage assets.

#### *Consultation Responses*

182. With regards to heritage impacts, neither Historic England or the Council's own Design and Conservation Officer have raised issues with the methodology used within the HIA, or the conclusions that it draws. The Design and Conservation Officer acknowledges that there may be change within key views, particularly from Mountjoy Reservoir, but considers that the impacts would be no greater than the current impact of County Hall. It is agreed by both the Design and Conservation Officer and Historic England that the development would result in less than substantial harm to heritage assets.

183. Balanced against this are the concerns of the World Heritage Site Co-Ordinator, City of Durham Trust, Elvet Resident's Association, Transition Durham and other interested

parties, who consider that the development would have a greater harmful impact, particularly with regards to the WHS.

184. In particular, concern is raised by the World Heritage Site Co-Ordinator (WHSCO) that the HIA fails to attach appropriate weighting to the value of the WHS setting and underplays the negative impact of the development upon it. It is also highlighted that the views tested are only representative, that a range of other views are available, and that cumulative impacts with existing discordant buildings and developments are not included. The WHSCO considers that the inner setting of the WHS would be negatively impacted by Plot A, Plot B and Plot E and would approximate to 1/25 of the inner skyline setting, and that Framwelgate Peth would be negatively impacted by the increased prominence of Plot A South and the severing of the connection with the Green Belt. The WHSCO also considers that the river valley would also be negatively impacted by Plot A North and Plot E.

#### *Consideration of harm to heritage assets*

185. It is acknowledged by officers that the assessment in the HIA concentrates upon only a limited number of views of the WHS, and that clearly a far wider range of views exist. However, for practical purposes, a range of views considered to be representative has been selected for assessment, and they are considered to be appropriate. Clearly, there are differences in opinion with regards to conclusions drawn within the HIA. With no concerns being raised with the methodology or findings of the HIA by either the Council's Design and Conservation Officer, or indeed Historic England, on balance it is considered that the conclusions within the HIA are likely to be reasonable.

186. Additionally, a commonality within the views tested is that the proposed development would appear within the existing wooded area, would be set against a backdrop of existing trees and would not break the skyline. It is also clear that County Hall has an effect of its own, and any effect of the proposed development needs to be considered in the context of this baseline. None of the tested views suggest that the development would appear as a continuous ribbonlike development, and where the increase in built form is apparent, a degree of separation between blocks is also evident. Comparison of the potential effects of the development with the current effects of Police HQ are considered to not be wholly appropriate, as Police HQ sits at the eastern edge of the wooded area of Aykley Heads and has a generally more open aspect.

187. On balance, it is considered that the proposed development would be likely to result in less than substantial harm to heritage assets.

188. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises that less than substantial harm to designated and non-designated will be weighed against the public benefits of the proposal.

189. CDP Policy 45 seeks to ensure that developments within the World Heritage Site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances. The supporting text to the policy states that where a development proposal leads to less than substantial harm to the significance of the WHS, that the harm should be weighed against the public benefits of the proposals.

190. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
191. CDNP Policy H1 states that development throughout the plan area must be shown to sustain, conserve and enhance the setting of the WHS by assessing impacts, protecting important views and taking opportunities to open up lost views, or create new views. In his report, the Neighbourhood Plan Examiner found that CDNP Policy H1 does not meet basic conditions as it is overly prescriptive and lacks supporting evidence with regards to lost and new views.
192. CDNP Policy H2 states that development within or affecting Durham City Centre Conservation Area should sustain and enhance special interest and significance as identified within the Conservation Area Appraisals. With specific regards to this proposal CDNP Policy H2 (d) seeks to avoid the demolition of assets of historic and/or architectural interest which contribute to the character and appearance of the area, criterion (f) seeks to avoid loss of open space that contributes to the character and appearance of the surrounding area, criterion (g) protects important views of the conservation area, criterion (i) requires appropriate scale, massing, form, layout, landscaping and open spaces, criterion (j) requires appropriate materials, detailing and lighting, criterion (k) requires high quality design sympathetic to the local area, and (l) seeks to avoid addition to cumulative impact of development schemes which dominate either by their scale, massing or uniform design. The Neighbourhood Plan Examiner has recommended that CDNP Policy H2 does not meet the basic conditions due to a lack of supporting evidence with regards to lost and new views, and on the basis of minor amendments to text that do not materially affect the operation of the policy with regards to this particular application, and that other than in relation to criterion (h), that significant weight can be afforded to it.
193. CDNP Policy H4 states that any harm to designated assets should require clear and convincing justification, that substantial harm or loss of designated heritage assets should be avoided, and that less than substantial harm to designated heritage assets should be refused consent unless the harm or loss is necessary to achieve substantial public benefits that would outweigh that harm or loss.
194. With regards to this, it is noted that CDNP Policy H4 requires proposals involving less than substantial harm to heritage assets to achieve substantial public benefits that would outweigh that harm. This differs from NPPF and CDP policy in that instead of simply balancing benefits against harm, and the former simply needing to outweigh the latter, it is instead required that substantial public benefits are demonstrated, regardless of fact that the level of harm would be less than substantial. This is a higher level of test than that set out in either NPPF or CDP.
195. The inconsistency of CDNP Policy H4 with other policy approaches was however noted by the Neighbourhood Plan Examiner, who found that the policy fails to meet the basic conditions and has recommended that it be deleted. Accordingly, it is considered that no weight should be afforded to any conflict with CDNP Policy H4 in this instance.
196. In this instance, some less than substantial harm to designated heritage assets has been identified and, therefore in accordance with NPPF and CDP policy, this harm should be weighed against the public benefits of the proposal. This planning balance exercise is undertaken later in the report.

## *Landscape Impact*

197. The ES includes a Landscape and Visual Impact Appraisal which informs consideration of potential landscape impacts, and comments have been received from the Council's Landscape Team.
198. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
199. CDP Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
200. The site is identified as being located on an elevated terrace (*Lowland Valley Terrace Broad Landscape Type*) west of the incised valley of the River Wear (*Incised Lowland Valley Broad Landscape Type*). The valley is largely undeveloped and forms a wedge of attractive open countryside that penetrates to the historic core of the City from the north-east. The high ground of the terrace by contrast is largely developed. The site and its immediate surroundings are transitional in character with large buildings and associated car parks set in landscaped parkland which includes robust areas of woodland.
201. Parts of the site, including the wider parkland to the east and south, lie in an Area of High Landscape Value identified in the County Durham Plan. A small part of the site also lies within the Green Belt. County Hall and its immediate grounds and associated car parks are identified in the County Durham Landscape Strategy (2008) as being Urban. Undeveloped areas including plots D and E are identified as a Landscape Conservation Priority Area with a strategy of conserve and enhance. The County Durham Landscape Value Assessment (2019) assessed the landscape to the south and east of the site as having elevated values across the majority of attributes assessed.
202. The site occupies high ground on the western edge of the incised valley of the Wear and is visible on or around the skyline in views back from higher ground across the 'Durham Bowl' to the west and to the south. In these views, topographical features (including the glacial knoll north of the railway station) and areas of woodland within the site and the wider parklands are often visually influential, screening parts of the site.
203. The western parts of the site (Plots A and Plot B) are visible at close quarters in shallow views from the A691/B6532 Framwelgate Peth and from the grounds of County Hall and associated areas of parkland, and in more elevated views from the northern access road to Wharton Park. Boundary hedges, trees and woodlands are visually influential in these views, screening parts of the site to varying degrees. Plot C is visible at close quarters from the northern Aykley Heads access road, roadside trees and vegetation screening views into the site to varying degrees. Plots D and E are visible at close quarters from a range of formal and informal paths running through that part of the estate.

## *Effects upon landscape features*

204. The indicative masterplan indicates that the major elements of the landscape infrastructure of the site – the central spine of woodland and woodlands, trees and hedges on its boundaries together with the pond to the front of County Hall – would be retained. It also indicates that some significant trees and tree groups within development cells would be retained. It is likely that a number of trees within the site would be lost, along with trees in the woodland north of Plot E to facilitate access. These will include some poor and low value specimens as well as some better-quality trees. The effects on individual trees will only be fully understood when reserved matters applications come forward for individual plots, however at this it is nevertheless considered that the quantum of development proposed on this plot could be acceptable accommodated.
205. With regards to Plot C, the proposals would entail the removal of 16 individual trees together with some parts of mixed shrub / scrub groups and a section of Portuguese Laurel hedge. These are identified within the submitted Arboricultural Impact Assessment as being of low and moderate value features. The majority of trees and shrubs to the northern perimeter of the site and a significant group of trees between the car parks would be retained. There would be some potential improvement to the rooting environment of two mature beech on the roadside currently affected by the existing access and parking arrangements. Topography in the southern part of Plot C would be modified by the development of SUDS features which would be developed partly on sloping ground.

#### *Effects upon landscape/townscape character*

##### *Plot C*

206. The northern part of the plot was previously developed and is currently in use as a temporary car park which is generally unattractive being dominated by parked vehicles and hard surfaces. While some site vegetation including established trees would be lost, it is considered that the development of the building, its landscaped surroundings and new footpaths would have a strongly beneficial effect on its overall character. The new building would be visible in views from the road to the immediate north although car parking areas would be largely screened. It would be on the site of a previous building and in keeping with the general character of the area in those views. The southern part of the site is currently neglected amenity open space of rank grassland, and it is considered that the re-ordering of footpaths and the development of landscaped SUDS features could have a beneficial effect subject to detailed design. Such details could be secured by means of a planning condition.
207. It is considered that the development in Plot C would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation. The LVIA indicates that some small areas of the upper part of the building would be visible above and through the tree canopy on the skyline in some views from the south-east. It is considered that the effect on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible.

##### *Plot A South*

208. The plot is currently in use largely as car parking. The proposed development would bring a notable change in character at site level. New built form would be visible in near views from Framwelgate Peth, although at the scales proposed it is considered that it would be likely to be well assimilated by the surrounding vegetation which it is proposed to retain. It would, however, be visible in views from amenity open space to the east backdropped against woodland. At the scale proposed it is considered that it would be likely to sit relatively comfortably in that setting. The extent to which it was assimilated into the wider parkland would depend partly on landscaping which could be considered

in detail in a reserved matters application. The proposed new pedestrian entrance and pedestrian / cycle route into the site would be a key feature which new buildings would be expected to address, giving active frontage onto the park. In principle, the introduction of built form into the edge of the parkland landscape south of County Hall would erode its open character to a degree. The adverse effect of development of the scale and massing envisaged would be likely to be of a low magnitude provided that perimeter vegetation was retained and augmented. Development in Plot A (south) would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation, although as identified in the HIA, the upper storey and roof outline may appear in some longer views.

#### *Plot A North*

209. The plot is currently occupied by County Hall and associated car parks and landscaped areas. Although development proposed would be different in scale and massing to the existing it is considered that it would not involve a change in general character. Some established landscape elements including some good quality trees would be likely to be lost in the re-ordering of the space although it is proposed to substantially retain the mature features in the west adjacent to the Peth. Built form would be prominent in views from the Peth, but at the scale and massing envisaged it would not be substantially different to the existing building in its general character and apparent scale. The submitted plans show greater permeability to the built form breaking up the mass relative to the current building, as well as providing opportunities for increased provision of open space and tree planting, inter-visibility of existing trees and woodland across the plot and a more active address to the woodlands to the east. The extent to which this could be realised would depend on detailed design at reserved matters stage. Taken in the round, it is considered that the effects of redevelopment would be likely to be neutral or beneficial.
210. Development in Plot A (north) would be visible in some views of the wider landscape from the south, south-east and south-west where modelling indicates that at the height parameters proposed the upper parts of buildings would be seen above intervening tree canopies on or around the skyline. In these views it is considered that it would be likely to be similar in scale and general character to the existing County Hall. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible or low, depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

#### *Plot B*

211. The plot is currently largely in use as car parking. The southern part of the plot was previously developed. The proposed development would bring a notable change in character at site level. New built form would be visible in near views from Framwelgate Peth, although at the scales proposed in the submitted plans it would be likely to be well assimilated by the mature roadside vegetation which it is proposed to retain. The masterplan shows the existing vegetation along the Peth augmented by additional planting and greenspace around buildings with parking pushed to the rear of buildings and therefore partly concealed in views from the Peth. Taken in the round the effects of redevelopment are considered likely to be neutral or beneficial.
212. Development in Plot B would be visible in some views of the wider landscape from the south and south-east where modelling indicates that at the height parameters proposed the very upper parts of buildings would be seen above intervening tree canopies on or around the skyline. In these views it would be a very small element in the view, or partially screening other buildings behind it. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible or

low depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

#### *Plot D*

213. Plot D is an area of former bowling greens and associated soft landscaping. Development shown on the submitted plans would work within the framework of existing features and would not entail removal of substantial areas of vegetation, although the extent to which this was realised would depend on detailed design at reserved matters stage. The introduction of built form would bring a notable change in character, but at the scales proposed within the application, it would nevertheless be likely to sit comfortably in this setting. The development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design.
214. Development in Plot D would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation.

#### *Plot E*

215. Plot E is an area of former hard sports pitches and tennis courts currently in use largely as car parking. Development would entail the loss of some trees at the western end of the tree belt to the north to provide for access. The introduction of built form would bring a notable change in character, but it is also considered that development at the scales proposed within the application would nevertheless sit comfortably in this setting. The development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design
216. Development in Plot E could be visible in some views of the wider landscape from the south and south-east where modelling indicates that at the height parameters proposed the very upper parts of buildings would be seen above intervening tree canopies on or around the skyline. This would depend whether it sat to the south of the plot, or the north. In these views it would be a small element in the view similar in character to other buildings punctuating the tree canopy. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be low depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

#### *Overall Landscape and Visual Effects*

217. The effects of development of individual plots has been assessed individually as being low or neutral / beneficial when assessed against the baseline of their current condition. There would nevertheless be a general intensification of development across the site as a whole that would erode the current undeveloped character of the north-eastern parts of the site in particular. This is balanced by the potential improvements to neglected or run-down areas, a renewed investment in open spaces, and their animation and supervision by new users. Overall, the effect on character is considered to be fairly substantial in that respect, but the degree of harm as being neutral.
218. As noted in the assessment of individual plots, some elements would be visible in views across the Durham bowl. It is considered that the combined effect of development at

the scales proposed would be low and in keeping with the general character and pattern of development on that ridge.

219. The proposed built form would lie outside of the CDP AHLV. Development in adjacent areas would nevertheless have some effect on its appearance. Development in Plot A South would be visible from areas within the AHLV. As noted above the development would be likely to be assimilated by existing vegetation and additional landscaping, and as a result it is considered that the effect on the AHLV would be low. As noted above elements of development in Plots A North, Plot B, C and E would be visible in views across the AHLV but the effect on the AHLV would be low.
220. When consider against the requirements of CDP Policy 39, although some elements of the proposed development have been identified as having potentially adverse effects, these are not considered to be represent significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, and as a result, the proposals are considered to be in accordance with this policy.
221. With regards to CDP Policy 40, the proposals would also lead to the loss of some existing trees, although most of the trees involved are considered to not to be of a high landscape, amenity or biodiversity value, It is however acknowledged that subject to detailed design that some trees within Plot A North could be lost and might represent trees of higher value. In accordance with CDP Policy 40, the loss of any high value trees should be weighed against the benefits of the proposal. CDP Policy 40 also requires that where trees are lost, suitable replacement planting should be provided, and given the large parkland areas within the site which would be subject to a landscape strategy, it is considered that this could be secured by means of planning condition.
222. Having regards to the potential of the proposals to lead to a loss high value trees on Plot A North, the appropriate planning balancing exercise will be undertaken later in this report.

#### Traffic, Transport and Sustainable Travel

223. CDP Policy 3(k) requires development at Aykley Heads to provide good quality pedestrian and cycle links from Durham Station to the site. CDP Policy 3(m) requires the incorporation of bus, pedestrian and cycle routes, and also requires a Transport Assessment to be carried out, and a Travel Plan to be prepared. CHP Policy 3 (n) requires that any development encourage the use of Park and Ride schemes and other forms of sustainable transport and limit the provision of car parking in accordance with CDP Policy 21.
224. CDP Policy 21(b) requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 21(c) requires that any vehicular traffic generated by new development can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution. CDP Policy 21 also requires the provision of cycle parking and EV charging, and the limitation of car parking at destinations in order to encourage the use of sustainable modes of transport.
225. CDP Policy 26 amongst its advice states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made.

226. CDP Policy 29 requires that major development proposals provide convenient access is for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
227. NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 seeks to facilitate access to high quality public transport, amongst other advice. Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
228. CDNP Policy S1(n) states that the location and layout of new development must maximise public transport, walking and cycling opportunities, and provide infrastructure that meets the needs of all users. CDNP Policy T1 requires development proposals to demonstrate best practice in respect of sustainable transport accessibility and design, avoid adverse transport impacts, and where adverse occur that they be mitigated by improvements to walking, cycling and public transport in order to contribute towards modal shift. In terms of design, CDNP Policy T1 requires best practice be followed in relation to new access roads, including permeability for sustainable modes of transport and measures to minimise car traffic.
229. The Neighbourhood Examiner has recommended a number of changes to CDNP Policy S1, including introducing more flexibility to the requirement that development “must” deliver certain elements. No changes were recommended to the specific text criterion (n) of this policy. With regards to CDNP Policy T1 changes are recommended on the basis that the policy is overly prescriptive, and that references to best practice fail to provide certainty.
230. The transport chapter of the Environmental Statement (ES) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The Highway Authority is satisfied with the submitted TA and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required. Although raising some concerns with regards to methodology used by the applicant’s consultant, Highways England has also advised that they consider that the development would not have a material adverse impact upon the operation of Strategic Road Network.
231. The submitted Transport Assessment identifies that at present the application site, including parking associated with County Hall, the northern overspill car park and the informal parking spaces on the site of the former Trinity School amounts to 1,281 spaces. Of these, it is identified that 100 spaces would be retained in order to serve existing development, so any baseline calculations of trip generation exclude these spaces.
232. Traffic movement monitoring was undertaken within the site in order to derive trip rates. Additionally, postcode data was used to understand how existing users of the site are distributed across the network at present.
233. The TA identifies that the proposed development would incorporate 1,131 parking spaces across the site once the development is complete, and of these 124 would be provided in relation to Plot C. This would leave 1,007 to be distributed across the rest

of the development. Overall, the proposed development would ultimately deliver 150 fewer parking spaces than currently exist.

234. Trip generation has firstly been calculated based on the general characteristics of the development and the number of parking spaces proposed. This modelling indicates that the proposed development would be likely to generate 96 fewer vehicle movements in the AM peak, and 162 fewer vehicle movements in the PM peak when compared to the existing use of the site. Overall, the TA concludes that the net impacts of the proposed development upon the surrounding network would result in a slight reduction in traffic flows over the current situation, and even when considered in the context of other committed development, the development would be unlikely to result in severe cumulative impacts on the surrounding road network.
235. In terms of highways safety, the TA has studied collision data from the immediate area around the application site and has identified that between March 2015 and March 2020 that there were 57 collisions, of which 46 were classified as slight in severity and 11 serious. No fatal collisions were reported. Most collisions occurred at, or within 20m of a junction. The greatest number of incidents occurred at the A167/Dryburn Park/Southfield Way/A691 roundabout; however the TA advises that this is not unexpected given the higher volume of traffic passing through this junction. It also identifies that the frequency of collisions has not increased in years.
236. With regards to personal injury, the TA identifies that there were 9 collisions involving cyclists over the study period, with 2 resulting in serious casualty, and 7 slight casualty. Similarly, there were 9 collisions involving pedestrians, 4 resulting in serious casualty, and 5 in slight casualty. Having analysed the descriptions associated with these collisions, the TA concludes that the data does not indicate any particular highway safety issue in the area which could be materially affected by the proposed development, which would result in a slight reduction in traffic flows.
237. Both the Highway Authority and Highways England have provided comment. In terms of the wider strategic network, Highways England have indicated that they have some concerns with regards to the methodology used within the TA to calculate traffic levels generated by the development. However, having carried out independent modelling through an alternative methodology, Highways England have since confirmed that the overall conclusion that the proposed development would not have material impact on the operation of the strategic network is not disputed.
238. With regards to Plot C, the Highway Authority advise that they accept that the development of this plot as proposed could be accommodated acceptably within the existing highway network, however some concerns were raised with regards to the level of parking proposed at this plot, which is below that expected in the Council's parking standards. In order to address this point, the applicant has provided clarification that highlights that the development is located within a sustainable location and that the Council's parking standards set out a maximum provision in order to encourage sustainable transport use. The Highway Authority accept this argument if a strong travel plan is secured, that the car park is appropriately managed, and that adequate cycle parking provision is made. To address this, it is indicated that 64 cycle parking spaces would be provided. Some concerns remain that although the level of cycle parking may be appropriate, that further discussion is required with regards to its location. Accordingly, a planning condition to secure further details of appropriately located and specified cycle parking facilities could be secured by means of a planning condition.
239. With regards to the remainder of the development, the Highway Authority accept that the development would not be likely to materially change the operation of the wider network, and as result there would be no significant impacts. However, it is noted that

this is predicated on effective management of parking outside of designated areas, and it is suggested that a planning condition to secure a parking enforcement plan for the development could appropriately address this.

240. Highway safety, traffic generation and parking provision are matters that have been raised in number of representations. Having considered the submitted information, comments of Highways England, the Highway Authority, as well as local residents and community groups – some of whom consider that the development places too much emphasis on car travel - it is considered that the development would be in accordance with CDP Policy 3 (m) and (n) in that it does not seek to over-provide car parking. The proposed parking provision represents a lower ratio than currently provided at County Hall. The development would also comply with CDP Policy 21 as it would not materially adversely impact upon the wider highway network, and appropriate cycle parking and electric vehicle infrastructure could be secured by means of planning condition.
241. With a number of objectors raising concern with regards to the proposed development potentially placing too much emphasis on car travel, it is appropriate to consider the sustainable travel options that would also exist, particularly as the ratio of car parking provision would be lower than presently provided at County Hall. In terms of sustainable travel options, a number of bus stops lie on the B6532 (Dryburn Rd) with three sets of stops between University Hospital of North Durham and County Hall roundabout on the western boundary of the site. The majority of the application site lies within 400m of these stops, although Plots D and E lie closer to 500m from these stops, however the indicative masterplan indicates that convenient and direct pedestrian links from these parts of the site could be provided.
242. These bus stops are particularly well served by services as they are located on a main route into the city centre from the west and north-west, with possible destinations including Darlington, South Shields, Newcastle, Middlesbrough and Bishop Auckland, as well as more local services towards Consett, Langley Park, Sherburn, Arnison Centre and Brasside, as well as both Belmont and Sniperley Park and Ride sites. Typical week-day daytime frequencies are also considered to be very good with PR1 (Park & Ride) and no.64 (Sherburn – Arnison Centre) offering 10-minute frequency, the no.6 (Durham – Cockfield) a 12-minute frequency, and nos.7 (Durham – Darlington) and 21 (Durham – Newcastle) offering 15-minute frequencies. The remainder of services offer 30-minute frequency, other than no.62 (Durham – Brasside) which is an hourly service, and no.52 (Durham – East Hedleyhope) which is a 6 buses per day service. Saturday services are similar, although the nos.6 and 7 do not run at all. Sunday services are further reduced, but nos.21 (Durham – Newcastle) and 50/50A (Durham – South Shields) still offer two buses per hour, and nos.14 (Langley Park – Durham), 15/15A (Consett – Durham) and 16/16A (Durham – Castleside) and X21 (Durham – Newcastle) also offer hourly services.
243. The centre of the application site also lies a little over 800m from Durham Railway Station, a major stop on the East Coast Mainline with regular direct services northbound towards to Newcastle, Edinburgh, Glasgow and Aberdeen, and southbound towards London, Reading, Birmingham, Plymouth, Leeds and Manchester. Around 22 trains per day travel between London and Durham, and journey times currently average around 3 hours 20 minutes, with the fastest possible journey around 2 hours 40 minutes. The average journey to Edinburgh is around 1 hour 50 minutes, and to Newcastle around 22 minutes, although some services manage this trip in 12 minutes. Durham Station can be accessed on foot from the application site by a variety of pedestrian routes, and without the need to cross any major roads.
244. As the majority of the application is currently in outline form only, no detail is currently available with regards to the provision of cycle and pedestrian infrastructure within the

development. However, the applicant has indicated that it is the intention that this would be provided. The site is advantageously placed to take advantage of existing extensive cycle and pedestrian infrastructure around the site, and within the site itself there exists already an extensive network of footpaths. The applicant advises that there would be opportunities to further improve these as part of the overall Aykley Heads Landscape Strategy, which can be secured by means of planning condition. At this stage there is no reason to consider that appropriate linkages to public transport infrastructure could be not be acceptably achieved.

245. No comment has yet been received from the Council's Sustainable Travel Team with regards to the submitted Travel Plan (TP) therefore a condition is recommended to secure an appropriately robust Travel Plan in the event of an approval in accordance with Policy 21 of the CDP.
246. In conclusion, it is considered that the development would be located in a highly sustainable location, with access to a wide range of sustainable transport options, including walking, cycling, bus, train and Park & Ride, and despite the concerns of some objectors, would not overprovide car parking or place unwarranted emphasis on car travel. The development would therefore promote accessibility by a range of methods in accordance with CDP Policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
247. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21, 26 and 29 of the CDP as well as Part 9 of the NPPF.

#### Layout and Design

248. CDP Policy 3 (c) requires that the development of the Aykley Heads site to incorporate an interconnected network of good quality, multifunctional green infrastructure, along with clearly defined landscape structure boundaries, CDP Policy 3 (d) requires that new office development is set within a strong landscape framework, whilst CDP Policy 3 (e) requires improvements on land to the east of the site in order to compensate loss of Green Belt, CDP Policy 3 (f) requires the provision of enhanced green routes providing safe and attractive routes to Durham Railway Station, Wharton Park and residential areas to the north CDP Policy 3 (k) requires the entrance to the site from Durham Railway Station to be enhanced, and CDP Policy 3 (l) requires the creation of a high quality new gateway entrance fronting onto the A691/B6532. CDP Policy 3 (m) requires the incorporation of bus, pedestrian and cycle routes.
249. CDP Policy 26 requires development proposals to provide for new green infrastructure. CDP Policy 29(a) requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, and criterion (b) seeks to create building and spaces that are adaptable to changing social, technological, economic and environmental conditions, and CDP Policy(i) requires development to reflect in detailed design any features characteristic of the locality, whilst criterion (m) requires new development to create a well-defined, easily navigable and accessible network of streets and spaces.
250. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
251. CDNP Policy S1(c) states that development proposals should harmonise with their context in terms of scale, layout, density, massing, height, materials, colour and hard

and soft landscaping. Criterion (d) requires development to conserve and enhance the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets. CDNP Policy S1(f) requires development to maximise the redevelopment of brownfield sites and vacant or under-used buildings, CDP Policy S1(i) looks to avoid air, land and water pollution, and criterion (l) requires a good level of public accessibility, (m) requires a design and layout capable of reducing crime and/or the fear of crime, and criterion (n) seeks to ensure that layout of development maximises public transport, walking and cycling opportunities. The Neighbourhood Plan Examiner has advised that this policy does not currently meet the basic conditions partially due to it being too restrictive, and has recommended changes to make the policy more positive in its approach, to remove the requirement for new development enhance local significance, and to bring the drainage element of the policy further into line with national policy. Consequently, it is considered that only reduced weight can be afforded to those elements of the policy where amendments have been recommended.

252. CDNP Policy S2 requires a masterplan to be prepared for all major development sites addressing, (a) that individual development proposals contribute satisfactorily to the total jobs intended to be created on employment sites, (b) demonstration that the proposal adds distinction to the city's landscape and townscape, (c) minimise impacts upon the WHS and other amenities, (d) reduce the impact of travel by improving provision for walking, cycling and public transport and limiting the provision of car parking, (e) provide high levels of permeability for cycle and pedestrian routes, and (f) contributed to wellbeing through the provision and maintenance of green infrastructure. The Neighbourhood Plan Examiner advises that this policy does not meet the basic conditions and has recommends that it be amended to remove the requirement to prepare a masterplan, and is replaced with alternative text acknowledging that the preparation of masterplans will be supported. It is recommended that the policy makes provision for the preparation of masterplans by both applicant and/or the local planning authority. Consequently, it is considered that only reduced weight can be afforded to those elements of the policy where amendments have been recommended.
253. CDNP Policy H3 requires development outside of conservation areas to take into account; (a) sustaining and enhancing the character and distinctiveness of the area, (b) avoid the loss of open space and public realm, (c) use high quality design, (d) have scale, density, massing, form, layout, landscaping and open space which are appropriate to the vernacular, context and setting of the area; and (e) utilise materials and finishes appropriate to the vernacular, context and setting of the area. The Neighbourhood Plan Examiner identifies that this policy does not meet the basic condition and is unduly restrictive, both in requiring what development 'must' demonstrate, and in requiring new development to be appropriate to the vernacular, which would exclude contemporary development that is appropriate to the context and setting. It is also recommended that the requirement for new development 'enhance' the area be amended. Having regards to these required amendments it is considered that only limited weight could be afforded to any potential conflict with this policy.
254. CDNP Policy G1 seeks to protect and enhance green infrastructure, as well as a number of other measures including enhancing of footpaths, enhancing biodiversity and protection of dark corridors. The Neighbourhood Plan Examiner advises that this policy is too restrictive and lacking in clarity, and replacement wording is suggested. Until the policy is appropriately amended is considered that only reduced weight can be afforded to it at the present time.
255. CDNP Policy G3 includes Aykley Heads as part of a proposed Emerald Network, and states that development that would cause significant harm to the biodiversity of a site or footpath within the network will be refused unless the significant harm can be avoided,

mitigated or compensated. The Neighbourhood Plan Examiner has identified that parts of the policy are too restrictive, and that amendments are required to the accompanying map, however the general thrust of the policy would remain unchanged and can be afforded weight.

### *Assessment of Design and Layout*

#### *Plot C*

256. Plot C is the only element of the proposal for which full planning permission is currently sought and would comprise a two-storey U-shaped office building, with a single storey lightweight pavilion on the roof. The applicant has indicated that the building has been designed in order to enable flexibility internally, due to the speculative nature of the development. It is also advised that tree planting on the northern boundary of the site would be strengthened as part of the development.
257. Officers consider that the proposed form and layout of the building, around a courtyard space would take advantage of the southern aspect, and the proposed approach to scale, with a set-back upper storey allows the overall mass to be broken down. Additionally, the approach to fenestration and cladding would add verticality, and also active frontages on all elevations. Although the colour palette could be described as bold, the application clearly identifies how it has been informed by the site's context.
258. The impact of the scale of the proposed building has been tested with the HIA and LVIA submitted within the application, and impacts have been found to acceptable. The building would respect the scale of other buildings within the locality, which include Salvus House and the Rivergreen Centre, which of a similar scale and function.
259. Overall, it is considered that Plot C would comply with CDP Policy 3(a), CDP Policy 29 (a), (b) and (i) with regards to design and layout, along with CDNP Policy S1(c) and (m), and CDNP Policy H3(a), (c), (d) and (e).

#### *Indicative Masterplan*

260. The majority of the development is in outline form only at this stage and is subject to an indicative masterplan which identifies development plots, the quantum of development that might expected within each plot along with maximum scale parameters. The masterplan also indicates how the landscape environment within which the development would be located would accommodate the new built form, and how it may be improved. The content of the submitted masterplan is considered to be in broad accordance with the requirements of CDNP Policy S2.
261. The applicant advises that the masterplan has been developed with key regards being hard to the site context, flexibility, topography, views and pedestrian routes. It is also highlighted that the masterplan has been subject to independent design review by Design North East, who assessed the quality of design, the architectural, landscape and urban design aspects, as well as sustainability.
262. It is also advised that the masterplan has been developed based on the concepts of; blue and green corridors set within a framework for key pedestrian routes, landscape and topography, key nodes, gateways, views and focal points, and locating car parking to the rear of buildings where possible.
263. In terms of scale, the application states that the masterplan provides a quantum of development and floorspace necessary to support the creation of 4,000 jobs, whilst minimising visual, landscape and heritage impacts. Generally, larger buildings have

been located towards the centre of the site, with heights stepping down towards the edges where heritage and landscape sensitivity is higher. The masterplan has also sought to form settlements and clusters within the landscaped pockets of the existing parkland.

264. Whilst detailed design is not currently a matter for consideration, the masterplan identifies that buildings should be sympathetic and responsive to the varying degrees of enclosure formed by mature woodland, and that the tone and texture of materials should sit comfortably and discreetly within the palette already provided by the naturalistic setting, and that the use of warm tones and naturally weathering materials should also be considered. It is also recognised that the treatment of rooftops should be well considered, with plant and lift overruns appropriately mitigated.
265. In terms of landscape setting, the detail of this is a reserved matter, however the masterplan advises that the retention of key historical and landscape features is of key importance, and that the landscape schemes for individual plots should provide an appropriate balance of hard and soft landscaping, with opportunities for passive and active recreation.
266. With regards to layout, officers consider that the masterplan builds upon the exist site context and its landscape setting, making use primarily of previously developed areas of the site, and preserving the vast majority of the landscape setting which currently exists, including mature woodlands. The proposed gateway to the site from the west is considered to make best use of existing parkland and the existing pond feature, in accordance with CDP Policy 3(I). The proposed development cells set within the existing landscape framework would enable pavilion buildings which could also serve to screen surface parking. The cells would also allow overlooking of existing open space and allow the exploitation of the existing footpath network.
267. The HIA and LVIA provide a robust assessment of the potential scale of the development proposed and are based upon the maximum scale parameters identified. As highlighted elsewhere in this report, this would result in much of the development being effectively screened by existing woodland, or not having a materially larger impact than the existing County Hall building. Although the quantum of built development within the site would increase, it would also be dispersed within the existing landscape setting. The largest proposed building, the MSCP is located so as to take best advantage of existing site levels and minimise its potential impact.
268. It is recognised however, that given the expected construction period of around 20 years, that a short-medium term adverse visual impact would likely as the built development, and any proposed landscape masterplan is implemented and is allowed to mature. These impacts would reduce over time to an acceptable level, as the development matures and assimilates into its surroundings.
269. In terms of detailed design, this is reserved for later consideration, although the submitted masterplan and design statements set out guiding principles. Officers consider that detail design will be of primary importance in the success of the proposed development, particularly with regards to materials palette, approach to glazing, lighting, and final positioning of buildings. Whilst the current level of detail available means that these matters cannot be fully considered at the present time, the guiding principles proposed are considered to be a positive starting point, and there is no reason to consider that the wider masterplan could not deliver a high level of design and landscape setting which would accord with CDP Policies 3, 21 and 29, as well as CDNP Policies S1, H3, G1 and G2, as well as taking account of the accessibility and biodiversity aspects of these policies. However, in order to ensure that the individual plots deliver a coherent development, a planning condition suggested with regards to

the development of an overall landscape strategy for the application site and wider Aykley Heads insofar as it relates to land controlled by the applicant.

### *Sustainability*

270. CDP Policy 3(h) requires any development to deliver attractive, well designed places incorporating sustainable development principles and construction methods. CDP Policy 29(c) requires new development to minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, (d) requires the minimisation of the use of non-renewable and unsustainable resources during both construction and use. CDP Policy 29 also requires that all new major non-residential developments achieve a BREEAM 'very good' standard as a minimum.
271. With much of the proposed development in outline form it is not possible at this stage to fully assess the scheme in these regards. Whilst a detailed design for Plot C has been produced, the adoption of the BREEAM 'very good' requirement within the CDP followed the completion of design work and the submission of the application means that it is now difficult for this plot, individually, to achieve BREEAM 'very good' certification. The BREEAM certification process starts at the feasibility stage and includes scoring criteria related to procurement, as well design features.
272. However, the applicant has highlighted that the building proposed on Plot C has nevertheless been designed to incorporate a range of sustainability measures, including low-energy LED light fittings, cycle shelters and shower facilities, electric vehicle charging points, managed air movements and solar reflective glazing. It should also be noted that the development of Plot C is intended by the applicant to comprise a catalyst for the remainder of the development and is partially reliant upon a Local Enterprise Partnership grant for delivery. A redesign of Plot C in order to achieve BREEAM 'very good' certification could increase the risk of LEP funding timescales not being met.
273. With detailed design work for this rest of the proposed development yet to commence, the opportunity remains for the masterplan to accommodate the relevant sustainable design criteria required by planning policy, including achieving BREEAM 'very good', and this could be secured through the imposition of a suitable planning condition.
274. In this context and noting that Plot C represents a relatively small element of a much larger development, it is considered that as a whole, that the application would be able to meet the sustainable building requirements of CDP Policies 3, 29 and CDNP Policy S1.
275. Some objectors have raised the possibility of retaining County Hall for re-use, particularly as this would represent a form of development with a lower impact upon climate change. As part of the ES the applicant considered and dismissed as an alternative option the retention of County Hall, and it is stated that the configuration and condition of the building would make it unsuitable for modern office usage without significant renovation and reconfiguration. In planning terms, it is considered that there would not be justification for requiring the retention of the existing building. Although demolition and rebuild would have an impact in terms of carbon emissions, this is considered to be outweighed by the need to deliver high quality, modern office accommodation in order to ensure that the development is viable and delivers the expected economic benefits.

### *Security*

276. Durham Constabulary have provided advice in relation to detailed design issues with regards to Secured by Design, and in addition the Police Counter-Terrorism Unit have also provided design advice.
277. Whilst neither body has raised objections to the proposed development, it is acknowledged that with much of the application in outline form, and with detail design issues reserved for consideration at a later point, it would not be reasonable to expect the applicant to be able to fully address these issues at the present time. Consequently, it is considered that it would be appropriate to attach a planning condition to any approval of this application in order to require that any detailed design of a particular plot has full regards to issues of security. Subject to this, it is considered that the proposed development would be in accordance with CDP Policy 29 and CNDP Policy S1 in this respect.
278. Having regards to the overall design and layout of the development and noting that neither the Council's Landscape Team nor Design and Conservation Officer raise any objections, it is considered the proposed development would be compliant with Policies 3, 26 and 29 of the CDP, Policies S1, S2, H3, G1 and G2 and Parts 12 or 15 of the NPPF.

#### Residential Amenity

279. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CNDP Policies S1 and H3 require development to demonstrate a high level of design that harmonises with its context. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
280. The application site is separated from any existing residential properties to a significant degree. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts.
281. With regards to noise, the application includes a noise assessment which indicates that the proposed development would be unlikely to increase local noise levels during its operational phase, but there is the potential for disturbance during the construction period, therefore, a construction management plan should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts. The Council's Environmental Health and Consumer Protection Team have advised that they raise no concerns with regards to impacts on residential amenity due to noise, subject to the relevant conditions being attached to any permission.
282. The application includes a chapter relating to air quality, as the site is situated outside of, but in close proximity to an Air Quality Management Area. The ES chapter has been considered by the Council's Environmental Health and Consumer Protection Team who advise that the methodology used is acceptable and in accordance with current best practice. It is noted that there is a small error relating to the risk classification of demolition impacts, but this is considered to be unlikely to have material impact upon the overall conclusions or mitigation proposed.

283. Overall, the ES concludes that the impacts of the development in the operational phase are unlikely to require mitigation as the expected traffic movements are likely to be a reduction over the current levels generated by the site's current use. It is however, noted that without mitigation that the demolition and construction phases of the development, which could last for a significant amount of time, could have significant impacts upon air quality. In order to address this, a number of mitigation measures are proposed to these phases of the development. The ES chapter concludes that subject to these mitigation measures, the development would be unlikely to have a significant impact upon air quality. The identified mitigation measures could be secured within a Dust Management Plan through the imposition of a suitably worded planning condition.
284. Having regards to the above, it is considered that there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and paragraph 181 of the NPPF.
285. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

## Ecology

286. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition, under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(1) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England where there is likely to be a disturbance to a European Protected Species.
287. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. CDNP Policy S1 seeks to protect biodiversity, whilst CDNP Policy G1 states that proposals that enhance nature conservation will be supported. CDNP Policy G3 states that development proposals that would cause significant harm to the biodiversity of sites within the Emerald Network should be refused planning permission, unless the harm can be avoided, mitigated or compensated. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
288. An Ecological Appraisal has been submitted in support of the proposal, along with bat, breeding bird and Great Crested Newt surveys which cover the entirety of the wider Aykley Heads estate. The report identifies that the site includes a variety of habitat including grassland of varying quality but including waxcap grassland, woodland, scattered trees, hedgerows, seeded areas, standing water, flowing water, urban habitats and short perennial/ephemeral habitats. It identifies that areas of ancient and mature woodland, neutral grassland and wetlands are of greatest conservation value. The waxcap grassland within the site is considered to be of at least local importance and is Biodiversity Action Plan priority habitat.
289. The submitted Great Crested Newt survey establishes that in 2017, a medium population of GCN was present within ponds that lie approximately 450-530m from the current site boundary, and that at that time the species was absent from any ponds with

250m of the site, or either of the pond within the site. More recently, eDNA testing has been carried out in order to establish whether this population remains. This established that GCN were now absent from some of the ponds where they were previously established, but the presence of eggs in at least one of the ponds suggested that a medium population of GCN remain beyond the eastern boundary of the application site, but that GCN remain absent from ponds within the application site itself. It is however noted that woodland habitat within the site could be used as a terrestrial habitat.

290. Overall, the submitted survey concludes that the distance of the nearest pond with evidence of GCN is such that the risk of harm to individual newts during construction is very low, that ponds within the application site should be retained if possible, and woodland habitat also retained. As there is unlikely to be interference with GCN, it is considered unlikely that a Natural England licence in relation to GCN, would be required in this instance.
291. The submitted breeding bird survey identifies that the site was found to support 124 territories of 29 species in 2020, with 8 species listed as birds of conservation concern (Bullfinch, Dunnock, Kestrel, Mallard, Oystercatcher, Stock Dove, Song Thrush and Tawny Owl). Of these, 3 species are listed as 'priority species' (Bullfinch, Dunnock and Song Thrush). In addition, 11 additional species were recorded within the site but not confirmed to be breeding. Of these, six are birds of conservation concern (Herring Gull, Lesser Black-backed Gull, Mistle Thrush, Starling, Swallow and Swift). Of these, two are also priority species (Herring Gull and Starling). It is also identified that the heavy use of the wood by recreational dog walkers is likely to limit ground nesting opportunities, and that the majority of species recorded are relatively common and widespread within County Durham, however the presence of Kestrel and Oystercatcher means that the site should be considered to be of district ornithological value.
292. In terms of potential impacts, these are identified as being the potential loss of species that fall within the development footprint, likely to include both Kestrel and Oystercatcher, potential loss of breeding species within boundary features as a result of habitat degradation or increased disturbance, loss of small areas of open foraging, and increased disturbance due to footfall and lighting.
293. In order to mitigate these impacts, it is proposed to utilise low-level lighting and carefully considered security lighting where it may affect boundary features, retention of woodland and hedgerow wherever possible, and the avoidance of works within the nesting season. Additionally, it is suggested that a range of bird nesting opportunities be created throughout the site including the provision of two Kestrel boxes, ensuring that landscape planting includes berry and fruit bearing species, and the provision of nesting and foraging opportunities in SUDs areas.
294. With regards to bats, the submitted survey identifies that the County Hall buildings are of moderate suitability to roosting bats and support a small number of day roosts used by small numbers of Common and Soprano Pipistrelle. No trees identified for removal within the application support bats.
295. Monitoring has recorded predominantly Common Pipistrelle activity within the site, with lower levels of Soprano Pipistrelle and Noctule activity, and very occasionally Brown Long-Eared and *Myotis sp.* activity. Areas of woodland and the two ponds within the site provide foraging opportunities, with areas of woodland and scattered mature trees also providing commuting links between potential roosting locations in the west, to good quality foraging areas in the east. Overall, the report identifies that the site is of parish value due to the quality of foraging habitat and the assemblage of species recorded.

296. In terms of impacts, these are identified as being the loss of four-day roosts due to the demolition of County Hall, potential disturbance and harm to roosting bats should they be present at the time of the works, and potential disturbance to foraging habitats and commuting links through the site due to increased light levels.
297. In order to avoid, mitigate and compensate for these impacts, the survey identifies the following measures; avoidance of external lighting or use of low lighting through an appropriate lighting strategy, that no demolition of County Hall take place without a Natural England mitigation licence being in place, appropriate working methods for tree felling, the incorporation of 20 opportunities for roosting bats within the development either through opportunities within new buildings or through the provision of bat boxes within retained woodland, and the provision of new areas of landscaping with increased foraging opportunities.
298. In addition, a Biodiversity Net Gain (BNG) calculation has been carried out in relation to Plot C. This assessment identifies that following the development of this plot, that there would be a net loss of -5.34 biodiversity units, mainly through the loss of grassland and mixed woodland habitat types. The calculation proposes that BNG can be achieved through habitat improvements and design across the wider area of the Aykley Heads site.
299. With regards to the content of the submitted information, the County Ecologist has commented that the submitted information is acceptable and can be used to adequately assess the impacts of the proposed development, and subject to conditions to secure this mitigation strategy and a sensitive lighting scheme the Council's Ecologist raises no objection. However, it is noted that further assessment of waxcap grassland which is located with Plots A North and South be carried out prior to those plots being developed in order to be properly compensated for through a biodiversity net gain assessment, if they are to be lost. The importance of ensuring appropriate construction methods for footpaths associated with Plot C and within existing woodland are utilised is highlighted, along with the need for an appropriate approach to lighting. It is considered that this could be secured through the use of a planning condition, as could the securing of all recommended ecological mitigation measures identified within the various reports and surveys.
300. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application and has raised some concern that whilst there is confidence that BNG delivery can be achieved across the wider site, that suitable areas for such areas may also be required for competing uses in terms of the wider landscape strategy.
301. With regards to the concerns of the County Ecologist, it is noted that applicant controls a significant amount of land at Aykley Heads, both within and beyond the application site boundary. With much of the application only in outline form, it is not possible, at this stage to wholly assess the biodiversity impact of each plot (beyond Plot C), and it would be reasonable to require this to be carried out as part of the development of a reserved matters submission. This would also allow the precise location of any proposed building to be properly considered in terms of minimising potential impacts. Whilst the quantum of impact cannot be properly assessed at this time for the development as a whole, it is noted that much of the development would take place on previously developed land, and the key valued habitats within the existing woodland and grassland would be retained as part of the development.
302. In this context it is considered likely that appropriate net gain could be delivered either on site, or across the wider Aykley Heads estate. However, having regards to the concerns of the County Ecologist with regards to delivery, planning conditions are

proposed to ensure that BNG is appropriately considered as part of any Reserved Matters submission and that adequate provision is made for BNG within the wider landscape strategy. This would include required level of BNG required in association with Plot C. Overall it is considered that this would allow the development to comply with CDP Policy 41 in this respect.

303. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low-level lighting scheme, a detailed habitat creation and management document the proposal would comply with Policies 26, 35, 41 and 43 of the CDP, Policies S1 and G3 of the CDNP, and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme.
304. As the development would require a licence from Natural England in relation to bats, the appropriate consideration as to whether it is considered likely that one would be granted follows later in this report.

#### Flooding and Drainage

305. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDNP Policy S1 (j) and (k) seeks to apply the flood risk sequential test and secure SUDs schemes within developments.
306. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
307. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUDs) including permeable paving, rainwater harvesting, swales and SUDs basins to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be acceptable and a conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
308. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition and an informative about the presence of their assets on site.
309. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regard to Policies 35 and 36 of the CDP, CDNP Policy S1 and Part 14 of the NPPF.

#### Contamination and Land Stability

310. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
311. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this and an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.
312. The site does not lie within the defined high-risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

#### Loss of Sports Facilities

313. The proposed development would lead to the loss of existing but currently unused sports facilities at Aykley Heads. These are identified as being the former bowling green, hockey pitch and tennis courts located in the vicinity of Plots D and E. The applicant has provided information that indicates that the hockey pitch has been in use as overflow parking for around 15 years, with the tennis courts being disused for similar period of time. The bowling green was in use more recently by Durham Croquet Club, but the club relocated to Chester-le-Street in 2015, and the pitch has remained unused since.
314. CDP Policy 3(g) states that the development of Aykley Heads will require a financial contribution to facilitate playing field re-provision in the catchment area. CDP Policy 26 states that development proposals that would result in the loss of open space or cause harm to green infrastructure assets will not be permitted unless the open space or land is surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of at least an equivalent value at a suitable location. These policies reflect NPPF Paragraph 97 which states that existing open space, sports and recreational building and land, including playing fields should not be built on except in specific identified circumstances.
315. Sport England are a statutory consultee with regards to this application as it involves land owned by Durham County Council. They have objected to the application as it would lead to the loss of playing fields, with no provision being made for re-provision.
316. As a result, the applicant has carried out further work which considers the facilities to be lost, the relevant demand for the sports concerned within the local catchment area and proposes mitigation.

#### *Hockey*

317. It is identified by the applicant that the hockey pitch has been disused for between 15 – 20 years, and its Redgra surface would fail to meet current standards for competitive hockey, would be potentially unsafe, and the current condition of the facility is poor as a result of intervening use as a car park.
318. It is also identified that alternative current provision is available on 5 existing pitches elsewhere in the city that are available for community use. However, these existing

pitches lack the capacity for accommodating additional demand due to high levels of usage, and in some cases due to a lack of floodlighting reducing evening usage. It is also identified that at least one existing pitch requires refurbishment. Overall, it is evident that there is unmet demand for hockey provision within Durham City.

319. In order to address this issue, the applicant has proposed a financial contribution of £160,000 towards the improvement of existing facilities within the city, which would increase the capacity available through longer hours of operation and ensuring the longevity of such facilities through refurbishment. It is also identified that upgraded facilities would be of better quality and in more suitable location to meet existing demand, with appropriate management arrangements already in place.

#### *Tennis*

320. Historically, 4 tennis courts were marked out onto concrete hardstanding at Aykley Heads. Whilst the area and enclosing fence are still in place, they have been disused for over 15 years. The submitted information identifies that the courts are not macadam, and are not floodlit, and that the area is in a poor state of repair, with weeds creating an uneven and unsafe surface. The facility also has not support facilities and is in an unlit and obscure location.
321. In terms of supply and demand, the Council's Sport and Leisure Team have advised the applicant that there is no available data with regards to this in relation to tennis.
322. The applicant has proposed that due to the unsuitable nature of the facility at Aykley Heads, that a financial contribution of £140,000 be provided to be used towards tennis court provision within the county.

#### *Bowls*

323. The bowling green was in use until around 2015, when Durham Croquet Club accepted a grant of £11,914 from the Regeneration and Development budget to assist their move to alternative Council-owned facilities at Chester-le-Street Bowls Club. The submitted information identifies that the facility was in an acceptable condition for use at the time it was last used, but has since declined in quality.
324. The applicant has identified that demand for bowls appears to be generally in decline across County Durham, with four clubs using Council-owned facilities folding between 2014 and 2019. Other clubs have merged or reduced their requirements in terms of number of pitches. Countywide, it is identified that there is now a surplus of bowling greens in comparison to overall demand.
325. The applicant considers that due to there being no identified unmet demand for bowls facilities, and that the previous users of the this facility have previously been relocated to a more suitable facility, and financially supported to do so, that there no further financial contribution is required in this instance.

#### *Conclusion of loss of sports pitches*

326. Sport England have been reconsulted with regards to the submitted information but have not yet provided any further comment. Accordingly, their original objection still stands.
327. With regards to CDP Policy 3, officers have considered the submitted information and consider that the conclusions that it draws are reasonable and proportionate having regards to the quality of the existing facilities. It is also noted that the proposed

masterplan would have the capacity to improve more informal access to outdoor recreation and sport through improvement and formalisation of existing routes throughout Aykley Heads, and the provision of new capacity.

328. However, as the council are both the applicant and the local planning authority, a S106 legal agreement cannot be used as the mechanism through which to secure the financial contribution required by Policy 3. The information submitted by the applicant indicates that the financial contributions could be made on a phased basis dependent on development commencing on the relevant part of the site. However, as a S106 agreement cannot be used in this instance, it is considered that in the event of approval the entirety of the financial contribution would have to be paid prior to the issue of the planning permission. The financial contributions would then be ring fenced and utilised for the re-provision of sports pitches.
329. It is therefore considered that the proposed development would be in accordance with CDP Policies 3 and 26 in this respect, as well as Paragraph 97 of NPPF in that the lost facilities would be ultimately replaced by equivalent or better provision. However, having regards to the outstanding objection by Sport England, who are a Statutory Consultee in this instance, the application would require referral to the Secretary of State prior to any approval.

### Safeguarding Minerals

330. CDP Policy 56 seeks to prevent planning permission from being granted for non-mineral development that would lead to the sterilisation of mineral resources. It sets out where development may be applicable within these areas. This includes where there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral.
331. The application site is underlain by deposits of glacial sand and gravel and falls within the surface coal resource area in County Durham. The deposits of glacial sand and gravel underlying the application site form part of an extensive deposit of glacial sand and gravel extending from Houghall in the south to Chester Moor to the north, with further such deposits, although less extensive found elsewhere in central Durham.
332. Although the application is not accompanied by a mineral assessment, advice from the Council's Spatial Policy Team indicates that available documentary evidence does not indicate any evidence of glacial sand and gravel extraction in the immediate vicinity of the application site, but some small deposits had been worked in the distant past at Plawsworth to the north, Old Durham, Shincliffe and at Framwellgate. Available documentary evidence also indicates that the glacial sand and gravel deposits in County Durham tend to be more poorly graded, with a higher fines content and are generally more variable than the river sand and gravel. No surface mined coal extraction has occurred in unconstrained areas in the vicinity of the application site and no evidence has been found of near surface seams of coal which could be extracted through the redevelopment of the site.
333. While some sterilisation could potentially occur as a result of the proposed development, it is considered that this would be very limited given due to the limited extent of the application site and previous ground works associated with the existing built development over parts of the application site. The proposed development would also not have any impact upon prospects for future working of any unconstrained deposits elsewhere in this part of Durham.
334. On the basis of the information available, given the proximity of the application site to the built-up area and the associated sensitive receptors surrounding the site, together

with the timescale for the delivery of the proposed development, prior extraction of any mineral would not be considered feasible or desirable.

335. The scheme is being promoted as a strategic employment site in the County Durham Plan and is of key importance to the delivery of the Council's aspirations for Durham City and County Durham. In terms of Policy 56, it is considered that there is an overriding need for the proposed development, and as a result, the development would be in accordance with CDP Policy 56.

#### Other Considerations

336. The proposal has generated some public interest, with letters of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.
337. There is no requirement for the applicant to demonstrate any level of need for the development proposed, which is in accordance with an allocation within the CDP. Whether the development of significant levels of office floorspace in the current economic and working practice arrangements due to Covid-19 represents an appropriate business decision is for the applicant to consider and is not material to the acceptability of the proposal in planning terms.
338. Equally, the sustainability credentials of the proposed development have been raised by several objectors, highlighting that the County Council has declared a climate emergency. In determining this planning application, regards should be given to relevant planning policies and material considerations. The recently adopted CDP has been developed in the context of the climate emergency, and the policies therein take account of issues of sustainability and climate change, and the proposal has been assessed against those policies, and is considered to be acceptable. The issue of whether the applicant, having declared a climate emergency, should choose to deliver a significant development is a separate issue, and is not material to the acceptability of the proposal in planning terms.
339. The objections raised during this application have been fully taken into account however ultimately the concerns raised are not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

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## **CONCLUSION**

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340. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
341. The development would cause less than substantial harm to the outstanding universal values of Durham Cathedral and Castle World Heritage Site, the significance of Durham City Conservation Area, and a number designated and non-designated heritage assets. As a result, both Policies 44 and 45 of the CDP and Paragraph 196 of the NPPF advise that this harm should be weighed against the public benefits of the proposal. These public benefits are considered to comprise of;

- The delivery of high-quality office space within a regionally significant business park, securing the beneficial re-use of a previously developed site which would otherwise become vacant upon the relocation of Durham County Council to its new headquarters;
  - The creation of up to 4,318FTE jobs once all plots are operational, generating circa. £144.5m per annum in employee salaries, some of which would be spent in the local economy;
  - The creation of approx. 57FTE direct temporary construction jobs across the expected 20-year construction phase, generating a total of circa £36m in wage value;
  - The creation of approx. 87FTE indirect temporary jobs across the expected 20-year construction phase.
  - The generation of circa £36m in wage value as a result of the 57FTE direct temporary jobs during the construction phase;
342. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to designated heritage assets having regards to CDP Policies 44 and 45, and Paragraph 196 of the NPPF.
343. Similarly, it is considered that the identified public benefits that would arise from the development would outweigh the loss of a small number of existing trees within the site, having regards to the requirements of CDP Policy 40.
344. Under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England which is normally obtained after planning permission has been granted. When deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS) the regulation contain three “derogation tests” which must be applied by Natural England. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.
345. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under Regulation 9(3) and also be satisfied that these three tests are met and that Natural England is likely to grant a protected species license when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their function.
346. In applying the three tests, the development is considered necessary in the public interest in terms of delivering a significant strategic employment site allocated within County Durham Plan. In terms of satisfactory alternatives and the “do nothing” approach, no alternative sites that could acceptably accommodate the development have been identified, and the retention of the existing County Hall building which contains bat roosts has been considered and dismissed as the building is unsuitable for modern office use. In respects to the third test, the conservation status of the species would not be negatively impacted upon as the principal habitat would remain and would support the population. Overall, it is considered likely that Natural England would grant an EPS licence in respect of bats.

347. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

348. On balance, it is considered that proposals are acceptable, in accordance with relevant national and local planning policies, and the application is recommended for approval.

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## **RECOMMENDATION**

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That the Committee is **MINDED TO APPROVED** subject to the referral of the application to the Secretary of State; and in the event of the application not being called in, the Head of Planning be authorised to determine the application, and, subject to the completion of an internal transfer of funds within the Council to secure the following:

- £160,000 towards the re-provision of the existing hockey facilities and £140,000 towards the re-provision of the existing tennis facilities.

And subject to the following conditions:

### Conditions relating to application site as a whole

1. The development shall only be carried out in accordance with the following submitted plans and supporting documents:

AKH-RYDER-00-ZZ-DR-A-0002-S2-P2 - Site Location Plan  
AKH-RYDER-00-ZZ-DR-A-003-S2-P2 - Existing Site Plan  
AKH-RYDER-00-ZZ-DR-A-2446-S2-P6 – Indicative Masterplan  
AKH-RYDER-00-ZZ-DR-A-2345-S2-P7 – Indicative Masterplan Phasing Plans  
AKH-RYDER-00-ZZ-DR-A-9815-S2-P2 - Height Parameters  
AKH-RYDER-00-ZZ-DR-A-9817-S2-P1 - Parameters Plot A North  
AKH-RYDER-00-ZZ-DR-A-9818-S2-P1 - Parameters Plot A South  
AKH-RYDER-00-ZZ-DR-A-9819-S2-P1 - Parameters Plot B  
AKH-RYDER-00-ZZ-DR-A-9820-S2-P1 - Parameters Plot C  
AKH-RYDER-00-ZZ-DR-A-9821-S2-P1 - Parameters Plot D  
AKH-RYDER-00-ZZ-DR-A-9822-S2-P1 - Parameters Plot E  
2047-DCC-ZZ-DR-A-0001 Plot C Aerial  
2047-DCC-ZZ-DR-A-0002 Plot C Existing Location Plan  
2047-DCC-ZZ-DR-A-0003 Plot C Existing Site Plan  
2047-DCC-ZZ-DR-A-0004 Plot C Existing Site Sections  
2047-DCC-ZZ-DR-A-1001 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1002 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1003 Plot C Proposed Site Sections  
2047-DCC-ZZ-DR-A-2001 Plot C Proposed General Arrangement Plans  
2047-DCC-ZZ-DR-A-2003 Plot C Proposed 3D Iso  
2047-DCC-ZZ-DR-A-3001 Plot C Proposed South and West Elevations  
2047-DCC-ZZ-DR-A-3002 Plot C Proposed North and East Elevations  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections A-A B-B  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections C-C D-D  
2047-DCC-ZZ-DR-A-6001 Plot C Proposed Strip Sections  
2047-DCC-ZZ-DR-A-9002 Plot C Proposed CGI  
2047-DCC-ZZ-DR-A-9004 Plot C Proposed Materials Study  
2047-DCC-ZZ-DR-A-9001 Plot C Proposed Architectural Specification  
1114\_200 Rev C Plot C Landscaping Strategy

2603C 514 Rev B Proposed Drainage Plan (Plot C)  
 1114\_110 Indicative Proposed Contours  
 Planning Statement by DPP dated June 2020 ref: NC/LF/3161NE/R001  
 Planning Statement Addendum letter dated 14 November 2020  
 Sequential Assessment by DPP dated April 2020 ref: NC/LF/3161NE/R008  
 Sequential Assessment Addendum letter dated 4 November 2020  
 Design and Access Statement by Ryder Architecture ref: AKH-RYD-XX-XX-RP-A-0001-S2\_P6  
 Noise Assessment by NJD dated March 2020 ref: NJD18-0040-001R  
 Exterior Lighting Assessment by Desco dated 30 March 2020 ref: 1761-60-RPT-01  
 Masterplan Drainage Strategy by Shadbolt dated October 2020 ref: 2603  
 Plot C Stage 3 Report by Shadbolt dated October 2020 ref: 2603  
 Flood Risk Assessment by Shadbolt dated April 2020 ref: 2603  
 Biodiversity Net Gain Assessment Plot C by OS Ecology dated November 2020  
 Bat Survey by OS Ecology dated August 2020  
 Breeding Bird Survey by OS Ecology dated August 2020  
 Great Crested Newt eDNA Survey by OS Ecology dated June 2020  
 Preliminary Ecological Appraisal by OS Ecology dated August 2020  
 Preliminary Site Investigation Report by Dunelm dated January 2016  
 Geoenvironmental Interpretive (Plot C) Report by Fairhurst Issue 2 dated 03/07/2019  
 Arboricultural Impact Assessment (Masterplan) by Dendra dated 08/07/2020 ref: DCC\_AHMasterplan\_AIA1.2  
 Arboricultural Impact Assessment (Plot C) by Dendra dated 06/05/2020 ref: DCC\_AHPlotC\_AIA1.3  
 Environmental Statement Volume 1 Text and Figures  
 Environmental Statement Volume 2 Appendices  
 Environmental Statement Volume 3 Non-Technical Summary  
 Environment Statement Appendix 3.1 Schedule of Development

2. The retail element of the development hereby approved shall not exceed 400sq.m in total.

*Reason: In the interests of maintaining the vitality of Framwellgate Moor Local Centre, in accordance with Policy 9 of the County Durham Plan.*

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no change of use of any building hereby approved to any other use within the Use Classes Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

4. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

5. Prior to the first use of any building hereby approved, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use relating to that building shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

6. Each phase of the development shall not commence until a land contamination scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

7. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

8. No development shall commence within any development plot until a written scheme of investigation setting out a programme of archaeological work within that plot in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement*

*condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

9. No development within any individual plot shall be occupied until the post investigation assessment relating to that plot has been completed in accordance with the approved Written Scheme of Investigation for that plot. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

10. The development shall be carried out in accordance with the mitigation outlined within the mitigation identified in the following reports:

ECOLOGICAL APPRAISAL - Aykley Heads Strategic Employment Site October 2017 (E3 Ecology)

BAT SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

BREEDING BIRD SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

GREAT CRESTED NEWT SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 30 of the County Durham Plan and Paragraph 119 of the NPPF. Required to pre-commencement in order to ensure construction activities do not adversely impact protected species.*

11. No part of the development other than Plot C shall be occupied until a landscape strategy for the application site as a whole, including land adjacent to the site and in the applicant's control has been submitted to and agreed in writing by the local planning authority. As a minimum, the strategy will include the following:

- A timetable for implementation of the landscape strategy;
- A network of good quality, multifunctional green infrastructure including clearly defined landscape structure boundaries;
- In the case of Plot A South, the scheme shall provide details of a clear delineation of the Green Belt boundary through appropriate landscape features;
- Improvements to the east of the application to compensate for loss of Green Belt;
- Enhanced green routes providing safe and attractive access to Durham Station;
- Enhancement of the entrance to the site from Durham Station;
- Creation of a high-quality entrance from the A691/B6532;
- The incorporation of a network of pedestrian and cycle routes throughout the site that include;
- Details of how the strategy will contribute towards the creation of the Emerald Network;
- Details of replacement trees for those that are required to be removed;

*Reason: To ensure that the development delivers a high-quality landscape setting in accordance with CDP Policies E3, 26 and 29 and CDNP Policies S1, H3 and G3.*

12. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

13. No development on Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- a) A Dust Action Plan including measures to control the emission of dust and dirt during construction.
- b) Details of methods and means of noise reduction/suppression.
- c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- e) Designation, layout and design of construction access and egress points.
- f) Details for the provision of directional signage (on and off site).
- g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- j) Routing agreements for construction traffic.
- k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- m) Management measures for the control of pest species as a result of demolition and/or construction works.
- n) Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy xx of the xx Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

14. No construction work shall take place, no tree works, nor any site cabins, materials or machinery be brought onto Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) as until a tree protection scheme for the construction phases of the development have been submitted to and approved in writing by the Local Planning Authority and implemented in full. This shall include trees and hedges to be retained, protection by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. Once these measures are in place no operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree until each phase is completed.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Policy G1 of the City of Durham Neighbourhood Plan. Required to be pre-commencement in order to ensure that necessary protections are in place.*

15. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme in relation to Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- Details of the final route, materials and construction for the proposed footpath network within landscaped areas of the site and the methods of construction to be used.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 3, 26, 29 and 40 of the County Durham Plan, Policies S1 and G1 of the City of Durham Neighbourhood Plan, and Parts 12 and 15 of the National Planning Policy Framework*

16. Prior to the first use of the development, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Part 9 of the National Planning Policy Framework and Policies E5, C1 and T1 of the City of Durham Neighbourhood Plan*

17. The development hereby approved shall not be brought into use until a Car Parking Management and Enforcement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

*Reasons: In interests of minimising car travel and highway safety in accordance with Policies 3 and 29 of the County Durham Plan*

18. The development hereby approved shall not be brought into use until full details of the proposed cycle parking facilities and their location have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 3, 21 and 29 of the County Durham Plan, Policies S1, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

19. The development hereby approved shall not be brought into use until full details of the provision of Electric Vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 3, 21 and 29 of the County Durham Plan, Policies S1, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

20. No external or architectural lighting shall be installed unless details of the height, type, position and angle of any lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 31 and 43 of the County Durham Plan.*

21. Prior to the occupation of any building on Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) a Biodiversity Offset Masterplan to deliver Biodiversity Net Gain on land within the control of the applicant, and containing details of the timing of delivery of the required Biodiversity Net Gain shall be submitted to and agreed in

writing by the Local Planning Authority. Thereafter the Biodiversity Net Gain shall be delivered in accordance with the approved details.

*Reason: In order to ensure that biodiversity net gain is delivered in accordance with Policy 43 of the County Durham Plan.*

Conditions relating only to the remainder of the site (excluding Plot C)

22. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

23. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each plot shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

24. No built development shall take place within that part of Plot A (South) that lies within Durham City Green Belt, as defined within the County Durham Plan 2020.

*Reason: In the interests of preserving the openness of the Green Belt in accordance with County Durham Plan Policy 20.*

25. Any reserved matters submission made pursuant to this outline planning permission shall include a sustainability assessment for the part of the development to which it relates, with any proposed building achieving a BREEAM score of 'very good'.

*Reason: In the interests of sustainable development in accordance with Policy 29 of the County Durham Plan.*

26. Any reserved matters submission made pursuant to this outline planning permission shall include a security assessment for the part of the development to which it relates, which will include details of how the development of the plot will incorporate Secured by Design and Counter-Terrorism principles.

*Reason: In the interests of delivering a quality of development and public realm sustainable development in accordance with Policy 29 of the County Durham Plan.*

27. No development shall commence with any development plot until a Construction Management Plan relating to that plot has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.

6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

*Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

28.Any Reserved Matters submission submitted pursuant to the outline planning permission shall include a demonstration of how Biodiversity Net Gain will be delivered for that particular phase of the development and include timetables for delivering the required Biodiversity Net Gain.

*Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

29. No development shall commence on any plot until a scheme for the provision of foul and surface water drainage works for that plot have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: to ensure that surface and foul water are adequately disposed of in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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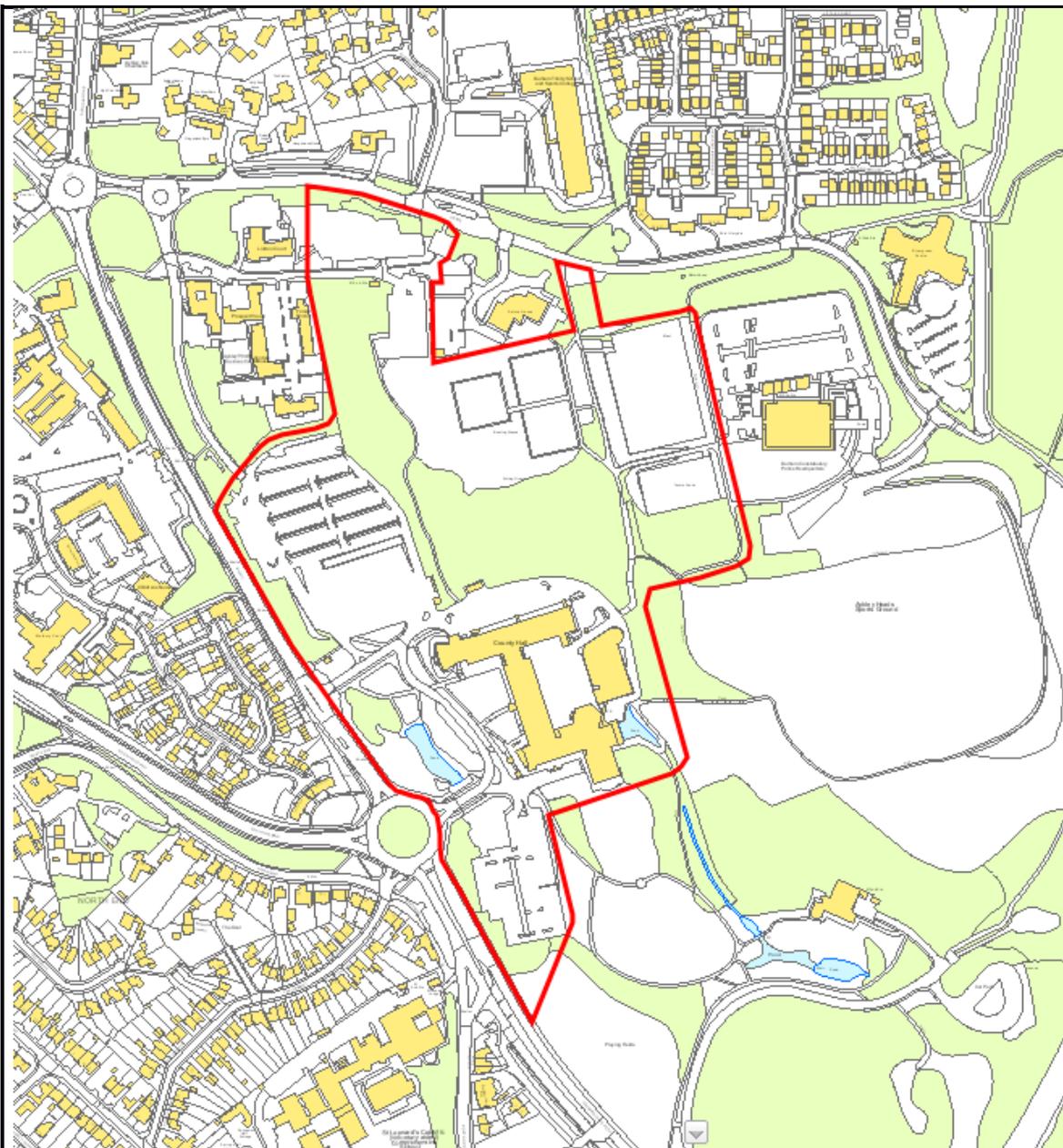
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan
- City of Durham Neighbourhood Plan
- Statutory, internal and public consultation response
- County Durham Landscape Character Assessment
- County Durham Landscape Strategy (2008)
- County Durham Landscape Value Assessment (2019)
- Durham City Centre Conservation Area Character Appraisal (2016)



**Planning Services**

Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure. Ref: DM/20/01846/FPA

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**Comments**

**Date** 1<sup>st</sup> December 2020

**Scale** Not to Scale



# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION No:	DM/20/01205/FPA
FULL APPLICATION DESCRIPTION:	Erection of 79 residential dwellings (Use Class C3), associated infrastructure and landscaping and demolition of existing agricultural barn
NAME OF APPLICANT:	Raby Estates
ADDRESS:	Land to the North and South of Spa Road, Gainford, DL2 3EB
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies on the western edge of Gainford, on land to both the north and the south of the A67 Spa Road. It extends to approximately 7.6 ha and comprises of agricultural fields and land adjacent to and within the Walled Garden of Gainford Hall. The site is bounded to the north, south and west by agricultural fields and open countryside with the settlement of Gainford lying to the east.
2. The northern parcel of land lies on slighting rising ground. The main development site comprises of a single agricultural field, including some additional farmland to the west. The field is surrounded on all sides by existing hedgerows and trees with a single mature oak lying close to the northern boundary. Gainford lies to the east and the development site is separated from residential development within by the adjoining orchard, an area of scrub and a BT exchange building. The Darlington to Barnard Castle railway line ran through the site and it is still a visible feature on site.
3. The southern parcel of land comprises of a single agricultural field, the Walled Garden of Gainford Hall and some adjacent land which houses an agricultural barn and a conifer hedge which serves to partially screen it. The River Tees lies to the west and trees line the river embankment.
4. The site lies partly within and adjacent to Gainford Conservation Area, with the land to the south of the former railway line and that associated with Gainford Hall falling within its boundary. The Conservation Area contains a number of listed buildings including Gainford Hall (Grade I), the Dovecote (Grade II\*) and garden walls (Grade II). Gainford Hall is also on the local list of historic parks, gardens and designated landscapes. There are a number of Grade II properties, garden walls and piers within High Row slightly further to the east. To the south of this lies St Mary's Church (Grade I) and separately

Grade II listed features within its curtilage and further to the west lies Bartforth Hall (Grade II\*) and some farm buildings (Grade II).

5. The site falls entirely within an Area of High Landscape Value. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Gainford Spa Wood, a local wildlife site, lies within 100m of the northwest corner of the southern site.
6. The Teesdale Way, a recreational route broadly follows the southern extent of the A67 which incorporates Public Footpath No.12 (Gainford) further to the west.

### The Proposal and Background

7. The application seeks full planning permission for the erection of 79 dwellings on the northern parcel of land. The proposal includes a mix of 1, 2, 3, and 4 bedroomed apartments, bungalows, coach houses and houses in a range of detached, semi-detached and terraced options. The materials palette proposed includes either local rubblestone or through colour render, a tiled roof in either slate or clay pantiles and either stone or rendered window and door surrounds. Windows and doors are proposed to be painted timber, with white rainwater goods. Boundary treatments are proposed to be a mixture of local rubblestone and rendered walls, timber fencing or boundary hedging. The proposal includes 5% affordable housing comprising of 3no. 2-bedroom houses and a single 3-bedroom house for discount market sale. All properties feature off-street parking and enclosed rear gardens.
8. Two new priority controlled T-junctions, in a staggered arrangement, are proposed off the A67 Spa Road to provide access to the residential development to the north and to the south should this be developed as an employment site (subject to planning). Existing footpaths to both the north and south of the A67 in the vicinity of the junction would be widened to 2m, connecting into the internal site network.
9. The submitted landscape masterplan demonstrates that amenity open space would be provided around the southern and western edges of the built development and new access. Along the western boundary existing hedgerow would be retained and gapped up and new native woodland copses would be planted in the adjacent field. Additional tree planting is also proposed within the development site. Existing hedgerow to the southern boundary would require removal to facilitate site access arrangements to be replaced by a stone wall, grassed verges and a lime tree avenue. The southern parcel of land is proposed to integrate further areas of open space and an ecological mitigation area including a sustainable drainage system (SuDS) incorporating a detention basin. A new dedicated Public Right of Way is proposed in addition to informal paths through the open space. A new hedgerow is proposed to line the A67 along with additional tree planting and wildflower meadows. The existing agricultural barn would be demolished, and the conifer hedge removed and replaced by a native hedgerow and estate railings. No development is proposed within the Walled Garden.
10. This application is one of four applications submitted by Raby Estates. Although separate applications they are interlinked with one another and need to be considered together as a package. This application has been submitted on the basis that it is '*enabling development*'. Residential development at Gainford (this site) will generate the necessary revenue (£1,014,341) to enable the repair of the Grade I listed Gainford Hall and Grade II\* Dovecote so that they can be removed from the Historic England Heritage at Risk Register. Any surplus revenue from Gainford (£980,593), along with revenue generated from another proposed housing development at Staindrop (DM/20/01185/FPA) (£1,958,813), would be directed to heritage works proposed at Raby Castle, Park and Gardens (DM/20/01183/FPA and DM/20/01184/LB).

11. The application is being reported to the County Planning Committee following a request from the Parish Council. Their comments are fully summarised later in the report.

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## **PLANNING HISTORY**

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12. There is no relevant site history relating to application site. Approximately 200m outside the eastern edge of the village lies the site of the former St. Peters School. In 2019, planning consent was granted for the part conversion and demolition of the existing school to 6no. apartments and the erection of 10no. dwellings (DM/15/00730/FPA). A further approval was granted later that same year for 48no. dwellings, the conversion of the school building to 9no. flats and associated demolition, landscaping and open space provision (DM/18/01980/FPA). There is an application currently pending for the erection of 37no. dwellings with associated access and landscaping (DM/20/01603/FPA).
13. This application is one of four proposals that are being considered by the Local Planning Authority on behalf of Raby Estates. Two applications (DM/20/01183/FPA and DM/20/01184/LB) have been received for development proposals at Raby Castle comprising of repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and vinery cafe, works to Walled Garden and associated infrastructure and landscaping in addition to an application for listed building consent. There is also a further application (DM/20/01185/FPA) for 72no. housing units at Staindrop.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
16. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

17. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
19. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
20. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
21. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
22. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
23. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
24. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
25. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing

development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

26. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
27. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/guidance/national-planning-policy-framework>

28. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan

29. *Policy 6 - Development of Unallocated Sites*. States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
30. *Policy 10 – Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

31. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
32. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
33. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
34. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
35. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
36. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
37. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
38. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light

pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

39. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
40. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
41. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
42. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
43. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
44. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
45. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their

habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

46. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

#### **EMERGING PLAN:**

Gainford and Langton Neighbourhood Plan (GLNP)

47. A Neighbourhood Area was designated in 2013. Whilst there have been some public consultation events and questionnaires circulated throughout the village, there has been no further progress since. The GLNP has not yet reached a stage where weight can be afforded to it.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

48. *Gainford and Langton Parish Council* – Object to the development on the following grounds;
- The development is contrary to the Teesdale Local Plan therefore should be refused.
  - The works to Gainford Hall are considered to be improvement/remedial works therefore fall outside the scope of paragraphs 79 and 202 of the NPPF.
  - It would entail development within the Conservation Area which should be avoided at all costs.
  - Traffic, access and pedestrian routes are an issue.
  - This development coupled with the one already consented at St. Peter's will increase the size of the village considerably.
49. *Highway Authority* – The Transport Assessment demonstrates that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local road network and no mitigation is required. The site layout has been amended to include the requested revisions, sight visibility would be achieved and the proposed parking provision is deemed acceptable. No objection is therefore raised subject to the imposition of a condition and informatives.
50. *Drainage and Coastal Protection* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
51. *Historic England* – Has no objection to this proposal and notes that substantial benefits to the historic environment would result from it in the form of removing Gainford Hall and the Dovecote from the Heritage At Risk Register.

52. *Environment Agency* – Following the submission of additional information, no objection is raised subject to conditions being imposed to secure the implementation of the Flood Risk Assessment and SuDs connection point being undertaken in accordance with the details submitted within the ecology report. Several informatives are also recommended in relation to the requirement to obtain an Environmental Permit, works within the riparian habitat zone and foul drainage.
53. *National Amenity Societies* – No comments received.

#### **INTERNAL CONSULTEE RESPONSES:**

54. *Spatial Policy* – The key determining factors with this proposal will be the impact of the proposed new build development on the heritage asset, on the landscape and settlement pattern/form of Gainford. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 195 of the NPPF). The scheme should be considered in the context of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. This relates to the townscape, landscape and heritage implications so the key considerations will be whether the development of the site would be a natural extension to the settlement and whether it would unacceptably affect the landscape character of the countryside, or the setting of the Conservation Area and listed buildings which are nearby. An acceptable highway access would also have to be secured. Whether the impact of development will be acceptable will be a planning judgement and will be informed by the views of the specialists. The scheme is being promoted as enabling development, which is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission. Therefore, for the proposal to be progressed in an enabling development context, it would first have to be concluded that the scheme is not policy compliant. Finally, the viability assessment which has been submitted to justify the quantum of development has been independently verified, and the findings will help to inform deliberations. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.
55. *Archaeology* – No objection.
56. *Clean and Green* – No comments received.
57. *Design and Conservation* – No objection raised. The quality of development proposed, its successful integration into the surrounding conservation area and the extensive improvements to designated assets at risk all lead to the conclusion that the development will positively enhance the significance of the assets concerned.
58. *Ecology* – The amended and updated ecological reports are sufficient to inform this application. Subject to net gains in biodiversity being delivered and conditions to secure mitigation measures and a sensitive lighting scheme, no objection is raised.
59. *Environment, Health and Consumer Protection (Air Quality)* – Overall, it is considered that the air quality assessment uses current best practice methods to consider the effects of emissions to air associated with the proposed development. Provided that the recommended mitigation measures are included in a Dust Management Plan (or similar), and effectively implemented when necessary, it is agreed that the proposed development should be acceptable in terms of its effect on local air quality.

60. *Environment, Health and Consumer Protection (Pollution Control)* – No objection subject to conditions to secure a construction management plan and the mitigation measures recommended within the noise assessment.
61. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
62. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 2 bedroomed affordable properties to rent, 3 bedroomed affordable home ownership and there is higher demand for bungalow accommodation in comparison to neighbouring areas. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
63. *Landscape* – The proposals would be of a high standard of design and would contribute to the quality of the areas and their existing character and appearance. Landscape and historic features are generally retained and incorporated in the design of the scheme and replaced with appropriate features where removed. Whilst there would be localised harm to the rural landscape and AHLV in the short and medium term, this is offset to some degree by benefits in respect of the works west of Gainford Hall and that adequate landscaping has been incorporated. Overall, it is not considered that the proposals taken in the round would detract from the special character of the AHLV in the long term.
64. *Landscape (Arboriculture)* – There is no objection to the proposal on arboricultural grounds provided trees are protected in strict accordance with the submitted details. Whilst there is some risk to some less significant trees on the site, the proposed planting should mitigate this and the tree stock should be improved by this development in the long term.
65. *Public Rights of Way* – There are no recorded or claimed public rights of way affected by the proposal. The creation of a new public footpath along the route of a well-used, albeit currently unofficial route, is welcomed. A detailed specification of improvement works, in addition to entering into a creation agreement, will need to be secured.
66. *School Places Manager* – It is considered that the development is likely to produce 24 primary pupils and 10 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools. No further mitigation is required in this instance.
67. *Sustainable Travel* – The housing development would have acceptable access to local bus services. The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this.
68. *Visit County Durham* – This is a game-changing development for the County, and we would like to express our complete support for the project. The proposer and their consultants have taken a very professional approach to establishing and understanding market demand and profiling existing and potential visitors. Unusually, the overall project is entirely consistent with all of the Durham Tourism Management Plan's destination development priorities. From a post-COVID recovery perspective, the proposed developments at Raby are considered critical to the future success of the county in order to aid recovery and retain or create jobs for our residents especially given the severity of the impact of the pandemic on tourism and the visitor economy.

(Comments received as part of application DM/20/01183/FPA relating to the wider package of development proposed at Raby Castle, Parks and Garden).

#### **EXTERNAL CONSULTEE RESPONSES:**

69. *Northumbrian Water Limited* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the agreed drainage strategy. An informative is also recommended so that awareness is given to the presence of their assets on site.
70. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective. No comments have been provided in response to the amended layout.
71. *Tees Valley Clinical Commissioning Group* – The increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

#### **PUBLIC RESPONSES:**

72. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. A re-consultation exercise was also undertaken.

#### Objection

73. 36 no. letters of objection have been received. The main concerns and queries raised by the objectors can be summarised as follows:

#### Principle of development

- The development is contrary to policy, a point which the applicant's submitted planning statement recognises.
- There are more preferable brownfield sites such as St Peter's and the barns opposite the development which should be developed first. These are eyesores, in a poor state of repair which attract antisocial behaviour to the detriment of the village.
- Durham County Council is already able to demonstrate a supply of 6.37 years of deliverable housing. There is no demand for additional housing within the village and the site at St. Peter's already benefits from consent. This development coupled with that at St. Peter's will result in a significant increase in housing in the village.
- This is not a sustainable location for new housing development of this scale where there are no employment opportunities and limited facilities, public transport and cycle routes.
- The needs of a wealthy landowner are being prioritised over local residents. Raby Estates have significant land holdings and wealth therefore they should generate funds from another means.

#### Access/Highways

- Query the capacity of the local network, including the village, to accommodate the additional traffic arising as a result of the development.
- Proposed access off the A67 is dangerous given it is on a narrow bend, with limited visibility, traffic speeds are high and it a busy road used by large vehicles.
- Footways back into the village are substandard in width and there is no safe crossing point to the other side of the road.

- There is a lack of parking within the development and also within the village itself. This will result in parking on the pavement and congestion of the roads which will be reduced to single lane.
- Even if traffic calming measures are introduced, vehicles are still likely to speed.
- Do not consider that sight visibility is sufficient.
- As there are no employment opportunities within the village, residents would need to travel to work. Given the limited bus service this would inevitably be by car.

#### Heritage and visual impact

- The development will have a significant, adverse, visual impact. Whereas Gainford Hall currently dominates views from the west, it would now be the development site thereby adversely impacting on the setting of the heritage asset. It would also impact on the setting of the ancient woodland of Gainford Great Wood.
- There would be an adverse impact of the development on the character and appearance of the Conservation Area and development of this site would impact upon key views. The land would be better served as a woodland or public open space which would benefit the village. Development would neither preserve nor enhance the Conservation Area.
- The design and layout are not in character or keeping with the village. The village is becoming more akin to a town.
- Why has Gainford Hall been left to deteriorate especially as there were plans to renovate it years ago? Question whether it needs the level of investment stated and can the profits be used for other purposes? What is the extent of the proposed works and how long will it take to complete? Furthermore, this application will not secure an end use and safeguard its future. The housing development, ruining its setting, will no doubt make this a more difficult task.
- Any development at Gainford, if it could be justified, should only directly relate to enable works at Gainford Hall, not Raby Castle. Enabling development should be relied on as a last resort and it is argued that the Raby Estates have the funds to deal with these issues. Overall, the proposal is contrary to Historic England's Guidance titled The Historic Environment Good Practice Advice in Planning: 4 – Enabling Development and Heritage Assets.

#### Residential Amenity

- The development will lead to extra pollution including noise and emissions.
- There will be adverse impacts associated with the construction phase.
- Loss of privacy.
- Is the site safe from contamination?

#### Other issues

- The adverse environmental impact of developing a greenfield site such as this including loss of agricultural land and the impact to biodiversity including local landscape features, wildlife and habitats.
- The field, main road and properties have flooded several times. The development will increase flooding and drainage issues in the area.
- The development will place pressure on local facilities and services such as the GP, primary school, utilities and sewerage network. These need investment. What benefits are there for the village?
- The lack of affordable homes and those which are provided do not meet the needs of the village.
- If this development is granted what assurances will there be that Raby will not apply for further housing development?
- Will these properties be sustainable and include renewable energy provision?
- That by approving this site, the redevelopment of the St. Peter's site will be put into jeopardy.

- Who will manage and maintain the areas of open space and the SUDs basin?
- Concerns that open spaces will be used by travellers.
- Concerns are raised in relation to the public consultation event held by Raby Estate in advance of the application submission.
- Question the submission of the timing of the application at the peak of the Covid-19 lockdown. Local groups were unable to meet, and the Parish magazine was not in circulation. Concerns are also expressed at the length of time it took for neighbour consultation letters to arrive and the ability of residents to respond as a result.
- The submission refers to pre-application discussions with the Council. As a result, and because this application has been submitted by Raby Estate, there are concerns that this is done deal. The Council should consider helping some of the tourist attractions that have closed due to the pandemic rather than helping an already successful venue.
- Planning approval would set an undesirable precedent.
- There are errors within the application submission as Gainford benefits from allotments.
- Loss of view.
- Gainford Hall has and would continue to be a target of crime and vandalism.

74. *The Campaign for the Protection of Rural England* has objected to the scheme, albeit there are no concerns raised in relation to the demolition of the barn or works to the south of the A67 as this may enhance the setting of the Grade I listed, Gainford Hall. Their objection is received on the following grounds;

- The proposal is contrary to both current and emerging planning policy. There is no unmet housing need.
- Given the scale of the development, and other consented ones in the vicinity, the village will lose its village identity. The proposed development is not well related to the existing settlement.
- Historic England, whilst noting the potential benefits of this scheme have stopped short of giving it their support. Whilst the restoration at Gainford Hall would fall within the scope of enabling development provisions there are concerns that the works at Raby Castle would not (further funds for this site are sought from another housing site at Staindrop).
- The development will have an adverse impact on the setting of Gainford Hall, a Grade I listed building, as well as harming the Conservation Area. It could also potentially impact on a non-designated heritage asset.
- It is critical that the long-term future of Gainford Hall is secured through the S106 agreement.
- Clarification is also requested that the condition of the building has not arisen through fault of the landowner.
- Overall, they remain unconvinced that the benefits of restoring Gainford Hall and other works outweigh the identified harm. As a result, permission should be refused.

## Support

75. One letter of support has been received outlining;

- This is an attractive, sustainable and sympathetic proposal which pays regard to the environment and ecological considerations.
- The development retains features such as important trees and hedgerows and achieves net gains.
- The site access arrangements are acceptable.

- The development will help support the village by keeping the primary school viable and may encourage new businesses. Consultation responses confirm that the local school and GP surgery can accommodate the additional pupils and patients generated as a result of this development.
- The proposal will result in improvements to Gainford Hall.
- The outcome of the public consultation event was largely positive.
- The proposal will help towards addressing the County's housing and affordable housing needs.

#### Neutral

76. 3 no. letters have been received which are neutral however noting issues related to highways, flooding and utilities.
77. *The Friends of the Stockton and Darlington Railway* welcome that the importance of the Darlington and Barnard Castle Railway has been demonstrated in the supporting documents and that the layout has been designed to identify its route. They consider that the open space strip should be strengthened with more planting, that amendments should be made to the layout and that an archaeological condition should be imposed to record the trackbed.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

78. Across the three linked planning applications for housing development at Gainford and Staindrop, and tourism development at Raby Castle, Park and Gardens (RCPG), the consistent theme is the need to complete urgent repair works at Gainford Hall and the nearby Dovecote, removing them from the Heritage At Risk register and the further significant heritage benefits arising from the repurposing of vacant and underutilised heritage assets at RCPG. Alongside the heritage benefits, the proposals at RCPG also accrue significant economic benefits through the increase in visitor numbers, spend and dwell time in the County.
79. The development of 79 dwellings in Gainford is intrinsically linked to the repair and future restoration of the Grade I listed Gainford Hall and its associated Dovecote, enabling Historic England to remove both buildings from its Heritage At Risk Register. With the grant of planning permission, a series of clear triggers within the S106 will ensure the repair works begin as early as possible and will be completed well ahead of the completion of the housing development. Compliance with the requirements will be controlled by legal agreement.
80. Following two years of detailed discussions with Durham County Council and several rounds of public consultation, the application before members today will secure a development of exceptional design quality, with careful control over materials, landscaping and other finishes. Recognising its position in the community, Raby Estate has instructed a widely acclaimed architect and landscape design team to ensure the development is reflective of the qualities of the village. It is important to the Raby Estate for this development to achieve a successful integration into the village and deliver a wide range of benefits beyond the repair works to Gainford Hall.
81. As well as delivering a housing development of exceptional quality, the scheme will secure the following wide-ranging benefits.

- Reduced traffic speeds entering the village;
- On site affordable housing available at 30% below market housing levels;
- Dedication of a new public footpath route along the River Tees;
- Amenity open space provision, accessible from the new dedicated footpath and available for the whole village;
- £67,686 financial contribution on open space to be spent locally on facilities such as children and youth play space, and allotments;
- Support approximately 50 direct FTE construction jobs per annum over an estimated 4-year build period;
- Support an additional 75 indirect and induced FTE jobs in the supply chain and related services per annum throughout the build period;
- Deliver an uplift in Gross Value Added of £7.5 million per annum throughout the build period;
- First occupation expenditure (spending to make a house 'feel like a home') in the region of £435,000;
- Additional resident expenditure in local shops and services of approximately £765,000 per annum;
- An uplift in Council Tax payments to Durham County Council in the region of £170,000 per annum; and
- New Homes Bonus payments in the region of £600,000 over a four-year period

82. In summary, it is the strong view of the Estate that planning permission should be granted for this well-designed housing scheme which will secure significant and wide reaching public benefits.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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83. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, affordable and accessible/adapted housing, contamination and land stability and other matters.

The Principle of the Development

### *The Development Plan*

84. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

85. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
86. Policy 6 of the County Durham Plan (CDP) relates to the development of unallocated sites. It states proposals will be permitted within or adjacent to the built up area provided that they are well related to the settlement and amongst other criteria do not result in the loss of open land that contributes to the character of the locality which cannot be adequately mitigated or compensated for and that it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. The development of the application site would conflict with Policy 6 as it is outside the built-up area for Gainford and it is not well-related to the settlement, consequently it would draw no support from it. Detailed consideration of the scheme against the relevant criterion (a – j) of the policy will occur in later sections of this report.
87. As the application site is located outside of the built-up area of Gainford it is considered to be countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal does not form one of these forms of development and is thereby in conflict with Policy 10.
88. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref: 6/GF/08) and has an unsuitable (amber classification). The assessment considered that development of the site would result in a large, uncontained incursion into attractive countryside beyond well assimilated settlement edge which is likely to have some significant landscape effects and cause significant adverse harm to the setting of the Conservation Area as well as Grade I and Grade II listed buildings. It is unlikely to achieve suitable highway access without significant hedge removal. Furthermore, there are substandard A67 footway links eastward to settlement, particularly on same side of site.
89. In summary, whilst the proposal would be contrary to Policies 6 and 10 of the CDP, the overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies.

### *Enabling Development*

90. Paragraph 202 of the NPPF outlines that 'enabling development' is development that would not be in compliance with planning policies, and not normally given planning permission, except for the fact that it would secure the future conservation of a heritage asset. For the purposes of Paragraph 202, as outlined above, the principle of residential development at the site is contrary to Development Plan policy. The NPPF recognises that conflict with planning policies may be justified if the development proposed would

secure the future conservation of the asset(s) and the wider benefits outweigh the disbenefits of not adhering to those policies.

91. Historic England has recently published its revised guidance on enabling development; Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning Note 4. It should be noted that this is purely a guidance note therefore does not represent planning policy nor does it prescribe a single methodology or approach. Notwithstanding, it is a helpful tool in order to consider and gain a full understanding of the relevant issues in relation to enabling development.
92. The problem which enabling development typically seeks to address occurs when the cost of repair (and conversion to the optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs. This means that the subsidy to cover the difference, '*the conservation deficit*,' is necessary to secure its future. The amount of enabling development that can be justified will be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the assets.
93. The applicant considered other sources of funding to secure the future conservation of several of its heritage assets, including from Historic England, the North Pennines Dales LEADER programme and the National Heritage Lottery Fund amongst others, however none were considered to be available within a reasonable timeframe. In order to prevent any further deterioration to Gainford Hall and the Dovecote, in addition to looking to deliver the improvements to various heritage assets and assist in delivering the wider economic benefits at Raby Castle Park and Garden (RCPG) it was necessary to consider alternative forms of funding, such as enabling development. Enabling development must be justified by the inherent lack of viability of the heritage asset, not an owner's inability to fund a commercially viable scheme. Conversely the fact that an owner may have other means does not undermine the case for enabling development as the case rests on the asset having a conservation deficit rather than the owner being able or not able to afford to repair the assets and secure their option viable use.
94. The application has therefore been submitted on the basis that it is '*enabling development*'. Residential development at Gainford will generate the necessary revenue (£1,014,341) to enable the repair of the Grade I listed Gainford Hall and Grade II\* Dovecote so that they can be removed from the Historic England Heritage at Risk Register. Any surplus revenue from Gainford (£980,593), along with revenue generated from another proposed housing development at Staindrop (DM/20/01185/FPA) (£1,958,813), would be directed to heritage works proposed at RCPG. The application is accompanied by a range of supporting documents including a viability appraisal sufficient to allow for detailed consideration of the enabling development approach. It sets out the works required to get both Gainford Hall and the Dovecote off the at risk register (as these are repairs and maintenance Listed Building Consent is not required) and for the various heritage works at RCPG (fully detailed within application submissions DM/20/01183/FPA and DM/20/01184/LB), along with the associated costings of these. The package of works proposed is well considered and is broadly equivalent to comparable projects in cost terms. A development scheme has been devised which is seen by the applicants as constituting the minimum enabling development to secure the repair and future of the heritage assets. This has been demonstrated through the viability appraisal which, following amendments to some of the assumptions made, has been independently verified.
95. Substantial benefits to the historic environment would arise through the removal of Gainford Hall and the Dovecote from the Heritage At Risk Register. Both require extensive repairs and it is difficult to see these being delivered by any other manner

given the estimated costs. There are no indications or concerns that the assets have been deliberately neglected by the Estate.

96. The various components of the RCPG proposals are fully detailed and considered through applications DM/20/01183/FPA and DM/20/01184/LB. In summary, the heritage works comprise of the following;
- Repair and minor alterations to the Coach House, to offer space for the display of coaches and important stable fittings; education space; interpretation space for the Estate and Walled Garden areas with potential to accommodate some retail space for Castle merchandise, a studio flat and office space.
  - Repair and minor alterations to the Riding School to allow it to act as a “stone marquee” which could accommodate events, exhibitions, retail opportunities/concessions, supported by the provision of minimal power, lighting, water and drainage services.
  - Repair of the Dutch Barn, with removal of the non-original timber infill to the eastern bay. Minimal service provision through the use of ‘pop up’ service bollards will allow the space to serve as a covered farmer’s market or other uses requiring a roof as may occur.
  - A re-planted and landscaped Walled Garden, retaining the present division into three areas. No alterations are proposed except the rebuilding of some parts at the north-west edge of the central garden, where the Conservatory is being put back and the formation of two new openings in the centre of the dividing walls between the central garden and those to each side. A Lead Cistern is proposed to be relocated within the garden.
97. Whilst some of the proposals are more aligned to tourism benefits (i.e. the proposed play area), revenue arising from the enabling development is only sought for elements of the scheme which have a heritage benefit (i.e. The Riding School) including some commercial items which are imperative to the long-term protection of the various heritage assets (i.e. works to the Walled Garden). The total combined cost of the RCPG masterplan, including both heritage and tourism items, is expected to cost in the region of £12-£14m. This represents a substantial level of investment by the Estate and will result in considerable economic and tourism related benefits, both during the construction and operational phases. It would see the expansion of a visitor attraction through the development of new buildings and facilities in addition to the conversion of a number of designated heritage assets. Based on the increased visitor number projections (both day and overnight), the direct impact of the development is estimated to be around £3M arising through additional spend in the local economy. In addition to this direct expenditure, there would be indirect and induced economic benefits. All combined this is expected to be in the region of £8.5M. The Business Plan also estimates that the proposal could create 55 FTE jobs and a further 66 FTE jobs (before leakage) in the wider network. In addition, the heritage works proposed would considerably enhance the historic environment of RCPG through investing in its spaces and buildings. The works would also facilitate an increased appreciation of them through allowing public access to heritage, in addition to helping to secure their long-term future.
98. The benefits arising from the enabling development are very much dependant on them being properly secured through a S106 legal agreement. Should planning consent be granted, the works to Gainford Hall and the Dovecote would commence by January 2022 at the latest with an obligation to undertake the works earlier if the European Protected Species Licence allows for that to happen. The urgent repair works would be completed within 12 months of their commencement. Although the works package does not secure a new use for the building which is the most desirable outcome, the legal agreement would ensure that by June 2021, an appropriate framework for securing the

management and maintenance of the structure post completion of the restoration work and a marketing strategy to ensure a new sustainable use is found. Such timescales are reflective of the importance of the assets and the urgency of the works. The legal agreement would also require specified heritage works at RCPG to be undertaken prior to the occupation of an indicated number of dwellings. This ensures that the enabling development would securely provide for the future of the heritage assets concerned in accordance with paragraph 202 of the NPPF. It would also accord with Policy 44 of the CDP which outlines that the Council will seek to reduce the number of assets identified to be at risk and weight will be given to any significant benefits to them as a result of development proposals.

99. It is recognised that enabling development might result in an adverse impact on the asset, although, good design will minimise potential impacts. The impacts to Gainford Hall and the Dovecote, along with any other heritage asset will be considered in later sections of the report. The enabling development at Gainford would have no adverse impact on heritage assets at RCPG. The impacts to assets at RCPG have been fully assessed through applications DM/20/01183/FPA and DM/20/01184/LB. In the case of RCPG, it is considered that the heritage works represent a sympathetic approach to each component part, with minimal physical intervention to restore and repurpose some of the most significant sections of the Raby Estate. Furthermore, there would be no fragmentation of the historic assets at either Gainford Hall or RCPG as a result of proposed development.
100. The defining characteristic of enabling development is that it would secure the future conservation of a heritage asset and the balance articulated in NPPF paragraph 202 is met. Neither Historic England or the Council's Design and Conservation Officer raise any objection to the scheme subject to a S106 Agreement to secure the future of the heritage assets and the significant benefits that arise from doing so. However, the balance test in paragraph 202 of the NPPF can only be considered following an examination of all relevant issues.

### *Housing Land Supply*

101. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
102. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

### *Locational Sustainability of the Site*

103. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering

a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.

104. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Gainford is rated as having a settlement score of 23 (ranked 55<sup>th</sup> out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is therefore capable of accommodating appropriate housing growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
105. Gainford benefits from a range of facilities including a primary school, GP surgery, a public house, a village hall, places of worship and local convenience store therefore is relatively well serviced. Gainford Primary School is located approximately 150m from the closest part of the application site, the convenience store is around 200m away and the GP's surgery lies around 700m from the site boundary. All of these are at the lower to mid limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". The walking routes to the amenities and services in the surrounding area are on adopted well-lit highways with no significant topographical restrictions. For similar reasons, cycling is also likely to be a viable alternative to the private motor car to access amenities and services within the village. Whilst recognising Gainford does not possess the same range of facilities as a major settlement or larger town, those it does have, coupled with sustainable transport options, reduces the amount of trip generation between settlements and reliance on the private motor vehicle. The Sustainable Travel Team have not raised any concerns or objections in relation to this development.
106. Policy 26 of the CDP expects developments to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.
107. There are no Public Rights of Way (PROW) within or immediately adjacent to the site. Footpath no.12 (Gainford) (FP12), which connects onto the Teesdale Way recreational route, leads off to the north west. Together they broadly follow the route of the A67 on its southern side. The developer proposes the creation of a new recorded footpath along the southern and western extent of the southern parcel of land. The Public Rights of Way Officer welcomes this given it is currently a well-used, albeit unofficial route, and it will provide connections onto both FP12 and the Teesdale Way. This would be regarded as a significant benefit. A series of improvement works will be required to the path to ensure it meets the required standard to be secured via condition. The dedication of this additional route can be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). Additionally, the landscape masterplan also shows that there will be a series of informal footpaths crossing the open space to south of the A67 providing connections onto the proposed new PROW and offering an alternative route to this section of the Teesdale Way avoiding walking adjacent to the highway.

108. Bus stops lie on the A67 Spa Road which provide a regular service between Barnard Castle and Darlington, operating throughout the week and into the evenings. The development would largely lie within the desired maximum walk of 400m to bus stops.
109. The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this in the event of an approval in accordance with Policy 21 of the CDP.
110. Local residents have written letters of objection to express concerns that there are more favourable brownfield sites to develop out before considering greenfield sites such as this and there is sufficient new development consented in the surrounding area. Furthermore, comments state that by approving this development, other developments coming forward could be jeopardised. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor do they impose any sequential requirement. However, any adverse impacts of development on greenfield land should be considered in the planning balance.
111. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
112. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

#### Highway Safety and Access

113. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
114. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The Highway Authority is satisfied with the submitted TA and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
115. Two new priority controlled T-junctions, in a staggered arrangement, are proposed off the A67 Spa Road to provide access to the residential development to the north and ensure suitable access arrangements can be achieved to the south should this be developed as an employment site in the future (subject to planning). To accommodate the requisite 2.4m x 90m sight visibility splays, the carriageway would be realigned and a section of the existing, roadside hedge to the northern edge of the A67 would require removal, replaced by a 1.5m stone wall and avenue of lime trees, set outside the

visibility splays. Existing footpaths to both the north and south of the A67 in the vicinity of the junction would be widened to 2m, connecting into the internal site network. A pedestrian refuge island has not been included as there is not sufficient carriageway width.

116. The proposed new internal road system and general layout has, from the outset, been promoted by the applicant as being inspired by 'Manual for Streets' guidance which has been successfully implemented at a number of other sites such as Poundbury and Tornagrain. They seek to move away from traditional highway engineered solutions including lining and signing in order to deliver a high-quality development which strives to be pedestrian focused through seeking to lower vehicle speeds and vehicle dominance within the street amongst others. It has been the subject of various discussions with highways officers, in conjunction with other disciplines within DCC. It has led to the site layout design presented as part of the application and represents a confluence of representations made by all interested disciplines, rather than one dominating all others, and acknowledging also that part of the site is in a designated Conservation Area. Whilst there are some elements of the proposed internal adopted road system that are a departure from that normally adopted by the Highway Authority, it's Officers have agreed to accept its subsequent adoption. Following some amendments, the internal road layout has now been agreed and car parking provision is deemed to be acceptable. In the event of an approval a condition to secure the estate roads being designed and constructed to meet current highway standards and two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be added to the decision notice.
117. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Landscape and Visual Impact

118. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly out weight the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
119. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). The part of the site north of the A67 lies in the Northern Tees Vale: Staindrop & Ingleton Broad Character Area which belongs to the Lowland Vale Broad Landscape Type. Land south of the A67 lies within the River Tees Broad Character Area which belongs to the Lowland River Terraces Broad Landscape Type. The site lies on the western edge of Gainford and is made up of low lying open pasture on relatively flat terrain. North of the A67 the site is made up of a single field bounded on its northern, western and southern edges by hedgerows.

The eastern boundary is a mixture of garden fences, tree lines and hedges. A single mature oak lies in the field towards the northern boundary. The southwest corner of the site includes the highway embankment which rises over a former railway bridge, now infilled and supporting some trees including young ash and an old apple. The line of a former railway line crosses the site from east to west, marked by a low earthwork. South of the A67 the site takes in part of a single larger field. This is bounded in the east by the mortared stone walls of the gardens of Gainford Hall, and in the west by the wooded banks of the River Tees. The northern boundary is formed by the boundary fence of the A67, south of which lies the embankment of the former railway bridge crossing. The site lies within an Area of Higher Landscape Value (AHLV). The Walled Gardens of Gainford Hall are on the County Durham Local List of Historic Parks, Gardens and Designed Landscapes. The application is accompanied by a Landscape and Visual Assessment (LVIA) document in addition to a landscape masterplan plan which provides an overview of the surrounding site context, the landscape and visual effects which may arise as a result of the development and mitigation measures to address the potential effects.

120. The effects of the proposals at the site level would be transformative with a permanent change from open farmland to built development, typical of any development on greenfield land. Some effects on the character of the local landscape would be relatively high in the short and medium term. The development would read as incursion of new built form into attractive open countryside west of the village. This would be appreciated in views from the western approach to the village on the A67. Parts of the village are visible in these views, although much of it is screened or assimilated by vegetation. Robust structure planting is proposed to the western edge of the development with additional tree planting proposed to a boundary to the west to filter views further. The development would be very visible in the early years as it would be unmediated by vegetation. As the planting matures it would progressively soften the development until such time whereby it would largely screen the new buildings and provide a settlement edge of a similar leafy character to the existing after around 15 years. The effects of development would also be notable in views from the bridleway south of the river where the site would lie in the backdrop to Gainford Hall. New built development would read as a westward extension of the current form of the settlement, similar in character in respect of its roofscape. The proposed removal of the tall conifer hedge and barn west of the hall would have a positive effect on the character of the local landscape, reinstating the relationship of the hall to its walled garden and restoring the hall as a landmark in the view at the western entrance to the village, as well as opening views of traditional farm buildings. This would be of substantial benefit to the historic character and significance of the garden as the relationship between the wall and garden would be better appreciated. Taken in the round, and having regard to the positive effects in relation to the works west of Gainford Hall, the overall adverse effect on the character of the local landscape is assessed by the Council's Landscape Officer as being of a medium magnitude in the short/medium term (moderate significance) falling progressively as structure planting developed to low (minor significance) in the longer term after 10 years. Similarly, whilst there would be some localised harm to the character and scenic quality of the AHLV in the short to medium term, it is considered there would not be a substantial impact to its attributes in the long term. The effect on the wider landscape of the Tees Vale would not be significant. The landscape is of generally medium sensitivity to this form of development and the effects would be localised.
121. Details of hard and soft landscaping, including off-site planting, in accordance with the principles established within the landscape masterplan are required to be secured by condition in the event of an approval. Given the importance of some of the key mitigation measures in reducing the harmful effects of the proposals it would be necessary to have them secured by condition and timescales for their delivery established. This would also include the proposed demolition of the barn and removal of the conifer hedge.

122. The majority of landscape features on the site's boundaries, and the mature field oak in the north, would be retained. The roadside hedge on the northern side of the A67 would be removed over much of the frontage of the site. This would be replaced by a new stone wall and tree planting which would have a relatively immediate impact through the direct replacement of a mature feature. Any loss to existing landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. The Council's Arboriculture Officer has no objection to the scheme on the basis a condition is imposed to ensure that the protective fencing is installed in strict accordance with the submitted Arboricultural Impact Assessment and under their supervision to avoid any impacts.
123. Overall, it is recognised that there would be some adverse landscape and visual impact arising from the development which needs to be considered in the planning balance. The proposals would be of a high standard of design and would contribute to the quality of the areas and their existing character and appearance. Landscape and historic features are generally retained and incorporated in the design of the scheme and replaced with appropriate features where removed. There would be localised harm to the rural landscape and AHLV in the short and medium term, this is offset to some degree by benefits in respect of the works west of Gainford Hall and that adequate landscaping has been incorporated. The impact of the development will progressively reduce over time as the landscaping establishes and any adverse impacts would be offset to a degree by the benefits arising from the demolition and hedge removal works. Whilst acknowledging there are positive aspects of the scheme, which seek to minimise the impacts of the development, some adverse landscape and visual impacts would arise in the short to medium term resulting in conflict with Policy 6 of the CDP. The proposals would not, however, result in overall conflict with Policies 26, 29, 39 and 40 of the CDP or Parts 12 or 15 of the NPPF.

#### Layout and Design

124. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Policy 44 relates to the historic environment. Amongst its advice Policy 44 requires proposals to respect the historic form, character, appearance and setting which contribute to the significance of listed buildings, conservation areas and registered parks and gardens. Development within conservation areas should be suitably informed, positively respond to the findings and recommendations of conservation area character appraisals and have respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing). Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
125. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice (outlined above) and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed

new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. The scheme scored extremely positively, achieving 10 green and 2 ambers. Since this assessment, there has been amendments to the scheme in order to address the limited areas of concern.

126. The proposed layout responds appropriately to the site context, particularly in relation to the existing built form and the approach to Gainford. Development is set back in a curved plan-form away from Spa Road, with existing planting enhanced on the western boundary, retaining the character of the current western approach to Gainford. The principles of the proposed layout are considered appropriate which includes perimeter blocks with vehicular access and parking to the rear, allowing streets and public spaces to be well-defined by strong building frontage and giving priority to pedestrians. True corner-turning units also allow for active frontage to key junctions within the development. The proposed development is locally distinctive, with strong references to the character and appearance of the existing buildings in the Gainford Conservation Area. Street scenes have variety in built form, architectural detailing and materials. To ensure a high quality development is achieved a number of conditions would be required including agreement on final materials and joinery details.
127. Both the Council’s Design and Conservation and its Urban Design Officer raise no objection to the development as they consider the proposed development is undoubtedly of a high quality which draws heavily on local influences to deliver a development with local distinctiveness. In this regard, the overall design and layout of the development would be compliant with Policies 29 and 44 of the CDP and Parts 12 or 15 of the NPPF.

#### Heritage and Archaeology

128. The site lies partially within and immediately abutting Gainford Conservation Area. Gainford Hall (Grade I), the Dovecote (Grade II\*) and garden walls (Grade II) lie either within or immediately adjacent to the southern parcel of land. Gainford Hall is also on the local list of historic parks, gardens and designated landscapes. There are a number of Grade II listed properties, garden walls and piers within High Row slightly further to the west. To the south of this lies St Mary’s Church (Grade I) and further to the west lies Bartforth Hall (Grade II\*) and some farm buildings (Grade II). In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker.
129. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found

to the heritage assets, with a public benefit test referenced similar to that within the NPPF.

130. The site forms part of the western approach into the village, with parts of the site falling either within or immediately adjacent to Gainford Conservation Area (CA). The site makes a positive contribution to the CA through reflecting the historic development of the village and the influence of the railway. It lies within an area of high landscape value containing landscape features which contribute to its setting whilst its open nature allows long distance views into the countryside beyond and provides a rural aspect for the village. Although the western approach to the settlement (including the site) makes a positive contribution to the CA, its built edge is relatively weak and doesn't reflect the positive architectural or townscape qualities that are found within the historic core. This area of the CA is less sensitive to change compared to the more historic core and it is considered that there are opportunities to enhance aspects of the western gateway to provide a stronger approach to the village and CA.
131. Some harm would arise as a result of the proposals as development will inevitably change the nature of the site and affect the character and appearance of the CA through encroachment into its rural setting and impacting upon three key views as identified within its character area appraisal . Two distant views looking N and NW across the northern parcel of land would be lost whereas the vista looking NE would be partially retained with the historic transport line through the site still being recognisable. The more sensitive historic core of the village including the numerous associated near, distant and vista key views would be unaffected by this proposal. The overall degree to which the proposal impacts on the CA is dependant on a number of other factors such as the overall design and quality of the build, whether the development establishes a new gateway development that reinforces the role of Gainford Hall as a local landmark and strengthens the built edge and western approach to the village and whether it creates new views and vistas which would contribute to local character and distinctiveness. Notwithstanding this, for the purposes of paragraphs 195 and 196 of the NPPF, the harm to the Conservation Area is considered to be less than substantial.
132. Historic England have been consulted on the proposal and state they have no objection to the application on heritage grounds. Whilst acknowledging that the housing will push the built edge of the village out they have described its impact on the conservation area as being not "totally harmful." Both they and the Council's Design and Conservation Officer considers that this is a high-quality scheme which draws heavily on the defining characteristics of the local area to deliver a development with local distinctiveness which responds well to the site and its context. It also offers the opportunity to create a new and considered edge to the village which is an improvement over the current less refined and more varied edge. The integration of landscape planting and reinforcement of current boundary features helps considerably to integrate the development and maintain a sense of transition from the built environment to the countryside beyond. The historic transport line through the site is also still recognisable. Overall, the development is considered to preserve those elements which contribute to the setting and significance of the Conservation Area and the design represents a positive contribution to local character and distinctiveness. In this respect the proposal draws support from Policy 44 of the CDP and Paragraph 192 of the NPPF. Permitted development rights are proposed to be removed to ensure that the exceptional quality of this development is not diminished through potentially inappropriate future works by individual homeowners.
133. There are a number of listed buildings within the vicinity of development, most notably Gainford Hall and the associated listed structures. In establishing a new gateway to the village, the land to the south of Spa Road has intentionally been included not only to support the delivery of public open space, ecology mitigation and SuDS but also to

actively improve crucial and impressive views of Gainford Hall. The removal of the modern barn and felling of the excessive leylandii trees would be a significant improvement and reveal views which have been lost for some time. It would also reinstate the link between the principal building and the wider landscape as well as giving greater prominence to the historic agricultural buildings along the boundary. These works should be secured as part of any approval and brought forward in the early phases of the development to coincide with the restoration of the building, should the enabling argument be accepted.

134. The development of the site would have no direct effect upon Gainford Hall or its associated listed structures. The development north of Spa Road represents a change to the wider landscape context and setting of the listed buildings. The introduction of new development inevitably results in the loss of agricultural land, diminishing the sense of openness which has characterised views north from Gainford Hall in the past. The experience of change would be limited as the immediate garden setting of Gainford Hall is well contained within its walled and railing enclosures while the retained historic agricultural buildings and boundary walls provide an additional buffer between the listed buildings and the development site. Whilst views of the development site may be visible from the upper storeys of Gainford Hall, the windows with a northern outlook contained the servants' quarters and secondary bedrooms. The principal elevation of Gainford Hall faces south therefore no designed views or key aspects would be affected. Whilst there would undoubtedly be changes in views and thus setting of Gainford Hall and the associated listed buildings, this change would not be harmful based on the proposed development under consideration.
135. St. Mary's Church, with its distinct square tower, has a strong landmark presence and can be glimpsed from a number of vantage points throughout the village. It is not considered its role would be affected by the development of this site and furthermore, the church is already surrounded by housing development. The properties within High Row are considered to be fine examples of Georgian houses therefore the development would not adversely impact on their significance or setting. There would be limited to no intervisibility between Barforth Hall and the adjacent farm buildings given the distances involved and intervening landscaping.
136. Policy 44 of the CDP outlines that great weight will be given to the conservation of all designated assets and their settings. Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
137. Whilst there will undoubtedly be changes in views and thus setting of Gainford Hall and the associated listed buildings, this change, it is considered, would not be harmful based on the proposed development under consideration. There would, nevertheless, be some harmful impacts upon the significance of the CA as outlined earlier in the report. On balance, it is considered that any potential harm to the character, appearance and significance of the conservation area has been significantly reduced by the form and quality of development proposed. Overall, and in the context of the both the CDP and the NPPF, the harm to the designated heritage assets in the round is considered to be less than substantial. There is some conflict with Policies 6 (criteria c) and 44 of the County Durham Plan and Part 16 of the NPPF as a result.

138. An archaeological evaluation report has been submitted in support of this application including the results of two trial trench evaluations. The evaluation has provided sufficient information to characterise the archaeological potential of the site. It is considered that no archaeological resource would be impacted by the proposals in the fields north and south of Spa Road, noting no works are proposed within the walled garden of Gainford Hall, therefore no further mitigation will be necessary. On this basis the Council's Archaeologist raises no objection and confirms no further work is required. The proposal is therefore considered to comply with Policy 44 of the CDP and Paragraph 189 of the NPPF.

#### Residential Amenity

139. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

140. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site layout indicates that generally separation distances between dwellings in the development are in excess of or as advocated by the SPD however there are instances where distances fall short. As an example, there is 12.2m between the opposing front elevations of plots 9/10 and 15/16. This has purposefully been done to create a tighter urban grain in some areas, create different street hierarchies and reflect the character of the settlement. This typically occurs to opposing front elevations, particularly at pinch points designed to create visual interest, through the use of corner turners and the inclusion of some of the coach house style properties. Ultimately such features lift the overall design quality of the development and although distances can fall short, this is not to an unacceptable extent in the context of this particular scheme. These all relate to relationships between the proposed dwellings. Distance standards with properties external to the development are comfortably achieved. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts. Permitted development rights are, however, proposed to be removed in relation to extensions to ensure this continues to remain the case especially as some separation distances fall short in some areas of the site. As site levels fluctuate slightly throughout the site a condition is required to secure site levels and finished floor levels.

141. Some of the proposed housing would be in close proximity of the A67 Spa Road, therefore, the noise arising from this and the impact to future occupants needs to be considered. Environment, Health and Consumer Protection (Nuisance) Officers advise that a condition be imposed to secure the noise mitigation measures outlined within the submitted noise assessment report including but not restricted to an enhanced glazing and ventilation specification for identified facades. Subject to the imposition of this condition, it is not considered that there will be any unacceptable noise impacts upon the dwellings from the A67 road.

142. There is the potential for disturbance during the construction period, therefore, a construction management plan should be secured to deal with construction related

impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts.

143. Similarly, Environment, Health and Consumer Protection consider that the development would not have a significant effect on air quality and there is no requirement to undertake further assessment. They raise no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition. As such, there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and paragraph 181 of the NPPF.
144. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

## Ecology

145. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
146. An Ecological Appraisal has been submitted in support of the proposal and outlines that the development is not predicted to have any impacts on statutorily or non-statutorily designated sites. It notes that the hedgerows and trees around the site boundaries are likely to be of moderate suitability for foraging and commuting bats. The majority of the 29 species identified in the bird survey/risk assessment are likely to breed in or adjacent to the site with kestrels, sparrowhawks and barn owls only likely to use the site for foraging. Badger may occasionally be present on site with both sett creation and foraging opportunities available. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992. The priority species hare and hedgehog may frequent the site on occasion, and the village to the east provides good habitats for hedgehog. None of the hedgerows are important hedgerows as defined under the Hedgerows Regulations 1997.
147. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. Subject to conditions to secure this mitigation strategy and a sensitive lighting scheme the Council's Ecologist raises no objection. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
148. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application. The overall landscape strategy approach includes the creation of some areas of wildflower grassland within the development and more extensive areas associated with the SuDS provision to the south of the road, in addition to proposed ecological enhancement works at Gainford Great Wood. Overall, this would achieve a net gain of 10.7% therefore according with the policy requirements of emerging CDP and Paragraph 175 of the NPPF. A detailed habitat creation and management document, including a monitoring strategy for a

minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981.

149. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

150. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
151. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance with the Council's adopted SuDS Adoption Guide. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
152. The proposed drainage arrangements include an attenuation basin and outfall to the River Tees. As this is a main river, the Environment Agency is a statutory consultee. Following discussions and the submission of additional information to address earlier queries, the Environment Agency has raised no objection to the scheme subject to conditions being imposed to secure the implementation of the FRA and SuDs connection point being undertaken in accordance with the details submitted within the ecology report. These conditions are required in order to reduce the risk of flooding and to ensure the land that lies alongside watercourse, which is particularly valuable for wildlife, is suitably protected. Several informatives are also recommended in relation to the requirement to obtain an Environmental Permit, works within the riparian habitat zone and foul drainage.
153. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition and an informative about the presence of their assets on site.
154. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Infrastructure and Open Space Provision

155. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
156. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
157. The site layout demonstrates that large areas of green space (equating to 1.66ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.261ha) and parks/recreational grounds (requirement is for 0.2436ha) requirements. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
158. Although parks/recreational areas would normally be expected to be accommodated within larger development schemes there is no objection in principle to a development seeking to mitigate its own impact in this regard. It is acknowledged that the open space is likely to be attractive to future residents of the estate and indeed those within the wider area especially as this typology is not currently present within the village. The land would provide a variety of benefits including but not restricted to providing an attractive setting to the village and heritage assets as well as connections onto the proposed new PROW route and avoiding busy sections of the Teesdale Way which run alongside the A67. Its inclusion within the scheme can be afforded weight in the planning balance.
159. A contribution of £67,786 has been put forward by the developer to be used towards off-site provision in lieu for those typologies not provided for on site (allotments, children and youth play space). Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to acceptable and in accordance with the Council's standard approach. The contribution would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
160. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

161. The School Places Manager has advised that the proposed development is likely to generate an additional 24 primary age school pupils and 10 secondary age school pupils and there is sufficient capacity at the local schools to accommodate this need. As such no financial contribution is required.
162. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 54-56 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
163. The Tees Valley Clinical Commissioning Group (TV CCG) has advised that the increase in resident population as a result of this development should not have a material effect on the local GP surgeries and their abilities to provide care. As such no contribution has been sought to make the proposed housing expansion supportable from a health infrastructure perspective.

#### Affordable and Accessible/Adapted Housing

164. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.
165. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing. The Historic England enabling development guidance states that development should be for the *'minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.'* In order to keep the amount of enabling development to a minimum the proposal would not be expected to deliver affordable housing. This is reflected in the submitted viability appraisals which assess the scheme on the basis of 100% market housing. Notwithstanding this, Raby Estates wish to deliver 5% affordable provision, comprising of 3no. 2-bedroom houses and 1no. 3-bedroom house, for affordable home ownership in order to meet local needs. This is an improvement upon the original offer of 2no. 1-bedroomed flats and 2no. 2-bedroomed flats. So as not to increase the quantum of development, this would be privately funded by the Estate with property prices discounted by 30% against open market value. The NPPF defines discounted market sales housing as that sold at a discount of at least 20% below local market value but that eligibility is determined with regard to local incomes and local houses prices. The level of discount proposed clearly exceeds the 20% referenced in the NPPF though factoring local incomes and houses prices this level of discount would not bring property prices down to a truly affordable level but would still be significantly more affordable than they otherwise would have been and would help towards securing more affordable home ownership for some. The applicant has indicated that this level of provision would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended). Whilst recognising there are some shortfalls to the approach outlined above, this is an enabling development scheme therefore this is a voluntary offer which would in part work towards meeting an identified need for affordable housing. As such it is regarded a material benefit.
166. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy

also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.

167. The scheme would provide a total of 15no. properties suitable for older persons, equating to 19% of the units on site therefore exceeding the 10% requirement. A total of 52no. properties, equating to 66% of the units on site, would be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. The development therefore accords with Policy 15 of the CDP and Paragraph 61 of the NPPF. These requirements can be secured via condition.
168. In terms of housing mix, the development would provide a range of 1, 2, 3, and 4 bedroomed apartments, bungalows, coach houses and houses in a range of detached, semi-detached and terraced options therefore in compliance properties with Policy 19 of the CDP and Part 5 of the NPPF.

#### Contamination and Land Stability

169. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
170. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this and an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.
171. The site does not lie within the defined high risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

#### Other Considerations

172. Policy 29 of the CDP sets out that major new build residential development should achieve CO<sub>2</sub> reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval.
173. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy.

NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 7.6ha of Grade 3b (moderate quality) agricultural land. The land is therefore not deemed to be best and most versatile.

174. The site lies partially within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of fluvial sand and forms part of a more extensive deposit/area of deposits along the River Tees. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Gainford and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. Furthermore, there is an overriding need for this development to take place as it will enable the repair of the Grade I listed Gainford Hall and Grade II\* Dovecote as well funding a number of heritage works proposed at RCPG. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.

175. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would secure the following all of which are considered to meet the required tests;

- The urgent repair works to Gainford Hall and the Dovecote, the timescales for doing so, in addition to the management and maintenance regime for the hall and its marketing strategy;
- Heritage works to RCPG prior to the occupation of a specified number of plots;
- The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance of the biodiversity land;
- An off-site public open space contribution;
- Dedication of a new recorded footpath;
- The delivery of 5% affordable housing, extending to the delivery of 3no. 2-bedroom houses and 1no. 3-bedroom house for discount market sale;

176. The proposal has generated some public interest, with thirty-five letters of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.

177. Applicants are encouraged, albeit not obliged in this case, to engage with the local community prior to the submission of their development proposals. Whilst some residents are concerned with the way this was conducted, it is not a factor against the development. It is also noted that the application was submitted at the height of the

Covid 19 crisis, whereby restrictions were in place to prevent gatherings and there were disruptions to the postal service causing a delay in neighbour notification letters being received. Whilst the timing of the submission was unfortunate, it is considered residents had sufficient opportunity to comment on the proposals especially as a more recent re-consultation exercise was undertaken. Each application is determined on its own merits against the policies in place at the time therefore it is not appropriate to speculate on whether further applications would be submitted by the Estate or other individuals for which this application would set an undesirable precedent if approved. If the St Peters site has become a target for vandalism, this is principally a matter for its landowner to resolve and the Council would potentially have S215 powers to secure some visual improvements pending its redevelopment. Gainford benefits from a number of open spaces. There is no reason to conclude the open spaces within the site would be used by travellers. Loss of a view is not a material planning consideration.

#### Consideration of Application Against the Development Plan and other material considerations

178. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
179. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies. The development site is considered to be located outside the built-up area of Gainford and not well-related to the settlement. As a result, the proposal is in conflict with CDP Policy 6. It has been identified that the development would result in localised harm to the rural landscape and AHLV in the short and medium term, offset to some degree by benefits in respect of the works west of Gainford Hall arising from the demolition and hedge removal works and that adequate landscaping has been incorporated which will help to progressively reduce the impacts over time as the landscaping establishes. Whilst acknowledging there are positive aspects of the scheme, some adverse landscape and visual impacts would arise in the short to medium term resulting in further conflict with detailed criteria within Policy 6 of the CDP.
180. As the application site is located outside of the built-up area of Gainford the development should be considered against CDP Policy 10. The proposal does not meet any of the forms of development permitted under Policy 10 and is thereby in conflict with it.
181. Paragraph 12 of the NPPF advises that where a planning application conflicts with an up to date development plan permission should not usually be granted. However, Local planning authorities may make decisions that depart from a development plan where material considerations in a particular case indicate that the plan should not be followed.
182. Having regard to Paragraph 202 of the NPPF, should the benefits of a proposal for enabling development outweigh the disbenefits of departing from the Development Plan, then this can form those material considerations to depart from that plan.
183. The development would cause less than substantial harm to the significance of Gainford Conservation Area. As a result, both Policy 44 of the CDP and Paragraph 196 of the NPPF advise that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

184. Great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. This harm must be given considerable importance by the decision-maker. Whilst there will undoubtedly be changes in views and thus setting of Gainford Hall and the associated listed buildings, this change, it is considered, would not be harmful based on the proposed development under consideration. There would, nevertheless, be some harmful impacts upon the significance of the CA. Harm to the Gainford CA would occur as the development will inevitably change the nature of the site and affect its character and appearance through encroachment into its rural setting and impacting upon key vistas as identified within its character area appraisal.
185. In terms of the public benefits, firstly some of the heritage harm is countered by the form and quality of development proposed. The development is considered to preserve those elements which contribute to the setting and significance of the Conservation Area and the design represents a positive contribution to local character and distinctiveness. In this respect the proposal draws support from Policy 44 of the CDP and Paragraph 192 of the NPPF.
186. Substantial public benefits to the historic environment would arise through the removal of Gainford Hall and the dovecote from the Heritage At Risk Register. In addition, the heritage works proposed would considerably enhance the historic environment of RCPG through investing in its spaces and buildings. The works would also facilitate an increased appreciation of them through allowing public access to heritage, in addition to helping to secure their long-term future.
187. The total combined cost of the RCPG masterplan, including both heritage and tourism items, is expected to cost in the region of £12 - £14m. It would result in significant economic and tourism rated benefits including job creation and additional expenditure benefits in the area.
188. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
189. The development would assist in maintaining housing land supply including the provision of affordable housing whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced. This boost to housing supply would also extend to the delivery of affordable homes. Whilst the level of discount proposed would not bring property prices down to a truly affordable level, they would be significantly more affordable than they otherwise would have been and would help towards securing affordable home ownership for some. The amount of affordable home provision is also below that normally required having regard to the most up to date evidence on affordable housing need, however, as discussed earlier in the report, this is acceptable in the context of an enabling development application. Furthermore, 19% of properties would be suitable for older persons and 66% of properties would be constructed to Building Regulation M4(2) (accessible and adapted standard).
190. It would secure the creation of a new recorded footpath along the southern and western extent of the southern parcel of land, along what is currently a well-used, albeit unofficial route improving linkages to an existing PROW and recreational route which the public would benefit from as a whole.

191. The level of on-site open space is likely to be attractive to future residents of the estate and indeed those within Gainford, especially as the parks/recreational type area to the south of the estate will introduce a typology of open space that is not currently present within the village. Its inclusion with the scheme can therefore be afforded weight in the planning balance.
192. Based upon the ecological works proposed, it is considered that the development should lead to 10% net gains in terms of biodiversity.
193. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to designated heritage assets having regards to Policy 44 of the CDP and Paragraph 196 of the NPPF as well as the conflict with Policy 6 and the identified residual landscape and visual harm.

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## **CONCLUSION**

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194. Gainford Hall (Grade I) and the Dovecote (Grade II\*) are included on Historic England's Heritage At Risk Register. The necessary renovation and conservation works would be extensive enough to remove it from the register. In addition, significant investment is also proposed to a number of heritage assets at RCPG to secure their repair, repurpose and long-term protection. The applicants have put forward a comprehensive package of enabling works, comprising the erection of 79no. dwellings, to finance these works. The package of proposals and proposed S106 planning obligations comprehensively deal with the works required to ensure the long-term protection of the assets and various other mitigation measures to ensure harm does not occur to surrounding assets.
195. Given the recent adoption of the CDP, the Council now has an up to date development plan against which this proposal should be assessed. It has been identified that the development would result in localised harm to the rural landscape and AHLV in the short and medium term, offset to some degree by benefits in respect of the works west of Gainford Hall and that adequate landscaping has been incorporated which will help to mitigate this impact over time. Conflict with Policies 6 and 10 of the CDP has been identified. The development would, however, enable the protection of a number of heritage assets. The proposal has required the careful weighing up of the need and benefit of securing these works to heritage assets against the harm created by allowing a new residential development in the countryside. Paragraph 202 of the NPPF provides the framework to allow this consideration to take place. Overall, it is considered that significant material benefits would arise as a result of the development, most notably with regard to securing the repair and long-term future of a number of heritage assets some of which are currently at risk, outweighing the adverse impact arising from the housing development being located in the open countryside. Despite the principle of development being contrary to the County Durham Plan, the report outlines why this scheme represents a justified departure from the development plan. In reaching this conclusion, it is noted that the submitted viability appraisal has been independently verified and the development proposals have been considered by statutory, internal and external consultees to which no objection has been raised. There is considered to be a legitimate case for enabling development of a scale which is the minimum necessary in order to safeguard the long-term protection of the assets concerned.
196. It is also considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to Gainford Conservation Area having regards to Policy 44 of the CDP and Paragraph 196 of the NPPF.

197. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed obligations and contributions are considered to be in accordance with these tests.

198. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).

199. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The urgent repair works to Gainford Hall and the Dovecote, the timescales for doing so, in addition to the management and maintenance regime for the hall and its marketing strategy;
- Heritage works to RCPG prior to the occupation of a specified number of plots;
- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £67,686 towards improving offsite open space and recreational provision within Barnard Castle East Electoral Division;
- The dedication of a new Public Right of Way as shown on drg. no. L-102 - Footpath Plan
- The delivery of 5% affordable housing comprising of 3no. 2-bedroom houses and 1no. 3-bedroom house for affordable home ownership

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drg. no. L100 Location Plan received 13/05/2020  
Drg. no. L-101 Demolition Plan received 13/05/2020  
Drg. no. L103 Footpath Plan received 13/05/2020

Drg. no. HGN\_001 Rev. P05 Site Access Arrangements received 21/09/2020  
Drg. no. 1277-GA03 Rev. G Landscape Masterplan received 21/08/2020

Drg. no. A-100 Rev. B Proposed Site Plan received 21/08/2020

Drg. no. A-101 Rev. B Proposed Masterplan received 21/09/2020  
Drg. no. A-102 Rev. A Proposed Unit Count received 29/07/2020  
Drg. no. A-103 Rev. B Proposed Affordable Housing Plan received 21/08/2020  
Drg. no. A-104 Rev. A Proposed Parking Strategy received 29/07/2020  
Drg. no. A-105 Rev. A Proposed Waste Strategy received 29/07/2020  
Drg. no. A-106 Rev. A Proposed Adoption Plan received 29/07/2020  
Drg. no. A-107 Rev. A Proposed Boundary Treatment Plan received 29/07/2020

Drg. no. A-150 A67 – Spa Road Street Elevations received 13/05/2020  
Drg. no. A-151 Road A – West Elevation Street Elevations received 13/05/2020  
Drg. no. A-152 Road A – East Elevation Street Elevations received 13/05/2020  
Drg. no. A-153 Road B – North Elevation Street Elevations received 13/05/2020  
Drg. no. A-154 Road B and Western Edge Street Elevations received 13/05/2020  
Drg. no. A-155 Road C Street Elevations received 13/05/2020  
Drg. no. A-156 Road D – North Elevation Street Elevations received 13/05/2020  
Drg. no. A-157 Road E Street Elevations received 13/05/2020

Drg. no. A-201 Plot 1 Plans and Elevations received 13/05/2020  
Drg. no. A-202 Plot 2 Plans and Elevations received 13/05/2020  
Drg. no. A-203 Plot 3 & 4 Plans and Elevations received 13/05/2020  
Drg. no. A-204 Plot 5-8 Plans and Elevations received 13/05/2020  
Drg. no. A-205 Plot 9 & 10 Plans and Elevations received 13/05/2020  
Drg. no. A-206 Plot 11 Plans and Elevations received 13/05/2020  
Drg. no. A-207 Plot 12 & 13 Plans and Elevations received 13/05/2020  
Drg. no. A-208 Plot 14 Plans and Elevations received 13/05/2020  
Drg. no. A-209 Plot 15 & 16 Plans and Elevations received 13/05/2020  
Drg. no. A-210 Plot 17 & 18 Plans and Elevations received 13/05/2020  
Drg. no. A-211 Plot 19-22 Plans and Elevations received 13/05/2020  
Drg. no. A-212 Plot 23 & 24 Plans and Elevations received 13/05/2020  
Drg. no. A-213 Plot 25 Plans and Elevations received 13/05/2020  
Drg. no. A-214 Plot 26 & 27 Plans and Elevations received 13/05/2020  
Drg. no. A-215 Plot 28 Plans and Elevations received 13/05/2020  
Drg. no. A-216 Plot 29 Plans and Elevations received 13/05/2020  
Drg. no. A-217 Plot 30-33 Plans and Elevations received 13/05/2020  
Drg. no. A-218 Plot 34 Plans and Elevations received 13/05/2020  
Drg. no. A-219 Plot 35 Plans and Elevations received 13/05/2020  
Drg. no. A-220 Plot 36-42 Plans and Elevations received 13/05/2020  
Drg. no. A-221 Plot 43 Plans and Elevations received 13/05/2020  
Drg. no. A-222 Plot 44-47 Plans and Elevations received 13/05/2020  
Drg. no. A-223 Plot 48 & 49 Plans and Elevations received 13/05/2020  
Drg. no. A-224 Plot 50 & 51 Plans and Elevations received 13/05/2020  
Drg. no. A-225 Plot 52 Plans and Elevations received 13/05/2020  
Drg. no. A-226 Plot 53 Plans and Elevations received 13/05/2020  
Drg. no. A-227 Plot 54 & 55 Plans and Elevations received 13/05/2020  
Drg. no. A-228 Plot 56 & 57 Plans and Elevations received 13/05/2020  
Drg. no. A-229 Plot 58 & 59 Plans and Elevations received 13/05/2020  
Drg. no. A-230 Plot 60 & 61 Plans and Elevations received 13/05/2020  
Drg. no. A-231 Plot 62 Plans and Elevations received 13/05/2020  
Drg. no. A-232 Plot 63-65 Plans and Elevations received 13/05/2020  
Drg. no. A-233 Plot 66 Plans and Elevations received 13/05/2020  
Drg. no. A-234 Plot 67 & 68 Plans and Elevations received 13/05/2020  
Drg. no. A-235 Plot 69 Plans and Elevations received 13/05/2020  
Drg. no. A-236 Plot 70-76 Plans and Elevations received 13/05/2020  
Drg. no. A-237 Plot 77 Plans and Elevations received 13/05/2020  
Drg. no. A-238 Plot 78 Plans and Elevations received 13/05/2020  
Drg. no. A-239 Plot 79 Plans and Elevations received 13/05/2020

Drg. no. A-240 Typical Garages and Bin Store Plans and Elevations received 13/05/2020

Drg. no. A-241 Typical Garages and Bin Store Plans and Elevations received 13/05/2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  13. Management measures for the control of pest species as a result of demolition and/or construction works.
  14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

4. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

6. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. No development, other than demolition and site remediation works, shall commence until full engineering details of the site access in accordance with drg. no. HGN\_001 Rev. P05 (Site Access Arrangements) have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details prior to the first occupation of the dwellings.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

*Required to be pre-commencement to ensure that the proposed development is served by a safe access.*

8. No development, other than demolition and site remediation works, shall commence until a scheme to achieve CO<sub>2</sub> emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development is constructed within sustainability embedded.*

9. No development, other than demolition and site remediation works, shall commence until full engineering details of the estate roads have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the proposed development is served by a safe access.*

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the details contained within the Arboricultural Impact Assessment (ARB/AE/2087) dated April 2020 by Elliott Consultancy Ltd and BS 5837:2012 and under the supervision of the Durham County Council's Arboriculture Officer. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.*

11. Notwithstanding the details submitted with the application, no development, other than demolition and site remediation works, shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

- a) Samples of all roofing materials;
- b) A sample panel of stonework to be used in the construction of the proposed walls including boundary walls shall be constructed on site for the inspection of an officer of the Local Planning Authority;
- c) Joinery details at a scale of 1:20 for all doors and windows;
- d) Details of all rainwater goods;
- e) Details of all railings/balcony enclosures;
- f) Details of all heads, cills and window surrounds;
- g) Details of the colour finish of all external timber work;
- h) A specification and samples of all render finishes, including colour.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning*

*Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

12. Notwithstanding the details submitted with the application, no development, other than demolition and site remediation works, shall commence until the details of the surface treatment and construction of all hard-surfaced areas have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

13. Notwithstanding the details submitted with the application no development, other than demolition and site remediation works, shall commence until details of all means of enclosure have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

14. No development, other than demolition and site remediation works, shall commence until a detailed landscaping scheme, which should follow the parameters set out in drg. no. 1277-GA03 Rev. G (landscape masterplan), has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention (including any gapping up and management works).
- Robust and visually dense structure planting to the west of the built development site including additional planting further to the west.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting specifications and procedures including tree pits, irrigation systems, plant supports and plant protection.
- Details of seeded or turfed areas and areas of habitat creation including specifications for ground preparation, seed or planting mixes, and sowing or planting rates and procedures.
- Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that a landscape mitigation takes place at an early stage of development.*

15. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

16. No dwellings shall be occupied until a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

17. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

18. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

19. No dwelling shall be occupied until a detailed specification for the new footpath, as shown on drg. no. L-102 (footpath plan), has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 of the National Planning Policy Framework.*

20. The sound attenuation measures detailed in the Noise Assessment RE/GN/NA/10/19, dated 6 May 2020 by QEM Environmental Consultants shall be completed prior to the occupation of the development and permanently retained thereafter.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

21. Within six months from the commencement of the development, the existing agricultural barn as shown on drg. no. L101 (demolition site plan) shall be demolished and adjacent conifer hedge shall be removed. No dwelling shall be occupied until these works have been completed.

*Reason: To better reveal the significant of adjacent Grade I listed building in accordance with Policy 44 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

22. The development shall be carried out in accordance with the drainage scheme detailed in the following documents and plans;

- Flood Risk Assessment and Surface Water Drainage Strategy report no. 002 (Issue 4) Wardell Armstrong dated May 2020
- Drainage Strategy - Ref: NT14337-01-101 Rev F
- Technical Note in Response to LLFA's Comments - Ref: NT14337/TN005 Issue 3
- Technical Note - Ref: Outline Maintenance Schedule - NT14337/TN007 Issue 1
- Technical Note – Ref: Outline Method Statement - NT14337/TN006 Issue 1
- Appendix 1 – Ref: Drives Water Quality – NT14337
- Appendix 1 – Ref: Roads1 Water Quality – NT14337

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

23. The development shall be carried out in accordance with the recommendations outlined within Section H of the Ecological Appraisal Rev. R07 dated April 2020 and Section E of the SuDs Connection at Gainford Rev. R02 dated 14.10.20 by E3 Ecology Ltd.

*Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

24. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development falling within Part 1 (all Classes) and Classes A and C of Part 2 of Schedule 2 of the said Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

26. 52no. properties shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

*Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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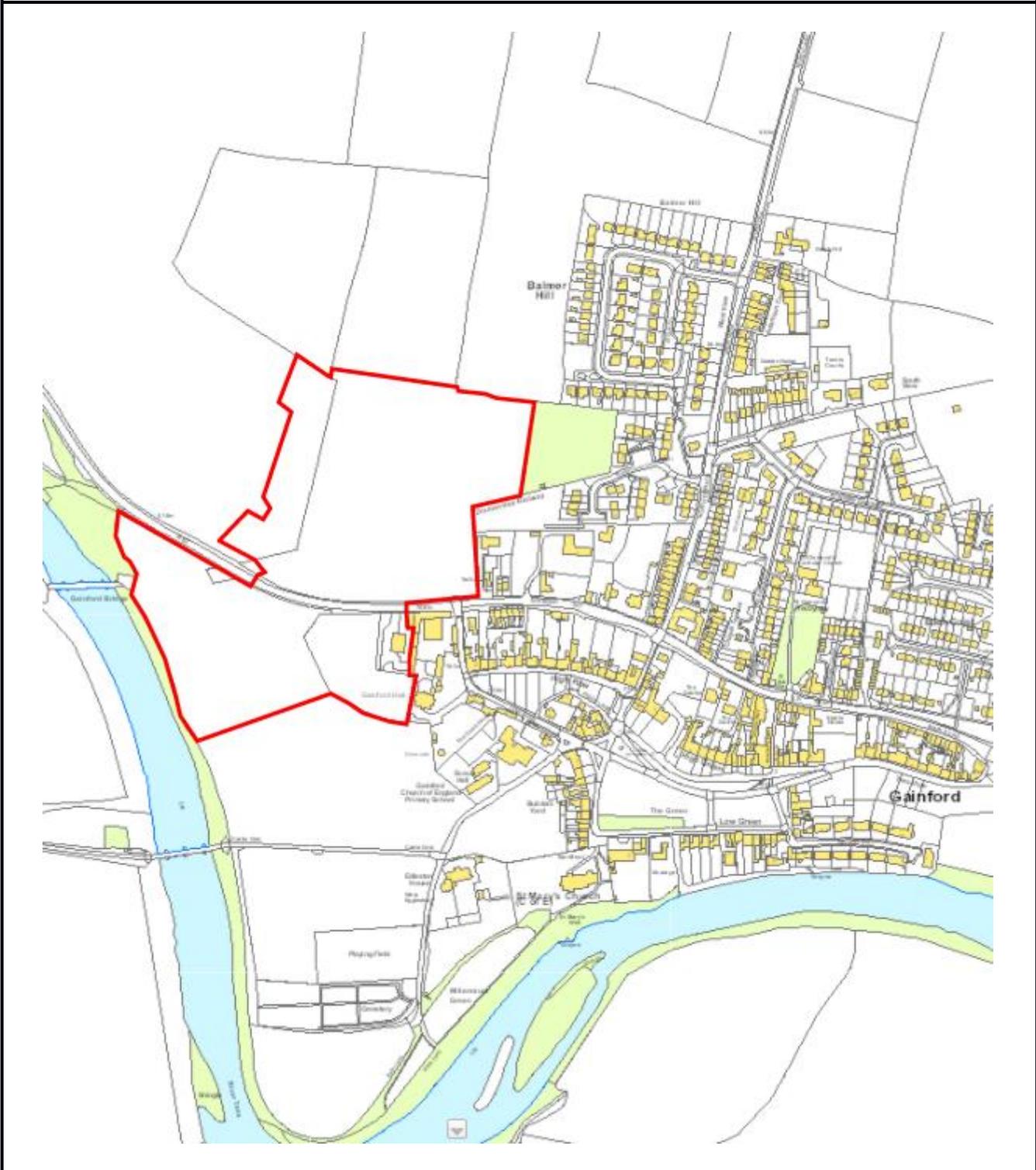
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Settlement Study (2018)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- Historic England's Enabling Development and Heritage Assets, Historic Environment and Good Practice Advice in Planning Note 4 (2020)
- County Durham Landscape Character Assessment: The Tees Lowlands (2019)
- Gainford Conservation Area Character Appraisal (2013)



**Planning Services**

Erection of 79 residential dwellings (Use Class C3), associated infrastructure and landscaping and demolition of existing agricultural barn  
 Land To The North And South Of Spa Road, Gainford  
 Ref: DM/20/01205/FPA

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**Comments**

**Date** 1<sup>st</sup> December 2020

**Scale** Not to Scale

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/20/01185/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>The erection of 72 residential dwellings (Use Class C3) associated infrastructure and landscaping and demolition of on-site buildings and structures</b>
<b>NAME OF APPLICANT:</b>	<b>Raby Estates</b>
<b>ADDRESS:</b>	<b>Land to the West of Grice Court, Staindrop, DL2 3PH</b>
<b>ELECTORAL DIVISION:</b>	<b>Barnard Castle East</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies on the eastern edge of Staindrop, on land to the south of the B6274 Winston Road. It extends to approximately 6.7ha and comprises of agricultural fields. The site is divided into fields through a network of hedges as well as modern fences creating smaller paddocks with associated small agricultural buildings. To the east the site is bounded by a hedgerow adjacent to Winston Road, to the south by the tree-lined Sudburn Beck, to the west by a mixture of hedges and fences and to the north-west by a hedged track. Tree cover is predominately low and restricted to field boundaries. Residential properties are located immediately to the north and lie partially along the site's eastern boundary on the opposite side of the B6274, with the Raby Estate owned sawmill just further south of this. Staindrop lies to the north west, with the B6274 Winston Road immediately to the east. Open countryside lies to all other sides.
2. At its closest point, the site lies within 130m of Staindrop Conservation Area which contains a number of listed buildings. To the north of the site, on the opposite side of Winston Road lie a number of Grade II listed properties and structures including Garden House and the separately listed Garden Walls Enclosing Orchard with Piers South-East, of Garden House and 1 Beech Side.
3. The site falls entirely within an Area of High Landscape Value. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. The site predominately lies in Flood Zone 1 however southern parts of the site lie within Zones 2 and 3a. There are no Public Rights of Way (PROW) within the site however Footpath no.24 (Staindrop) (FP24) lies immediately adjacent to sections of its north western boundary.

## The Proposal and Background

4. The application seeks full planning permission for the erection of 72 dwellings. The proposal includes a mix of 1, 2, 3, 4 and 5 bedroomed apartments, bungalows, coach houses and houses in a range of detached, semi-detached and terraced options. The materials palette proposed includes either local rubblestone or through colour render, a tiled roof in either slate or clay pantiles and either stone or rendered window and door surrounds. Windows and doors are proposed to be painted timber, with white rainwater goods. Boundary treatments are proposed to be a mixture of local rubblestone and rendered walls, timber fencing or boundary hedging. The proposal includes 5% affordable housing comprising of 4no. 3-bedroom houses for discount market sale. All properties feature off-street parking and enclosed rear gardens.
5. A new priority junction is proposed off the B6274 Winston Road to provide access to the residential development. A new footpath would be created on the south side of the B6274, connecting the development into the existing footpaths within the network.
6. The submitted landscape masterplan demonstrates that amenity open space would be provided around a green on the western boundary in addition to a smaller area of amenity space to the front of plots 42-45. Existing hedgerow to the eastern boundary would require partial removal to facilitate site access arrangements although it is proposed to be largely replaced by a new hedge outside the visibility splays. Some trees and hedges internal to the site are proposed to be removed. Existing hedges would be gapped up. It is proposed to integrate further areas of open space and an ecological mitigation area including a sustainable drainage system (SuDS) incorporating a detention basin on land to the south of the built development. A new dedicated Public Right of Way is proposed to connect to existing Footpath no.23 in addition to informal paths through the open space. A new hedgerow is proposed to line the edge of the built development with a native copse proposed in the south east corner with additional tree and wildflower planting within the meadow. The existing agricultural buildings would be demolished.
7. This application is one of four applications submitted by Raby Estates. Although separate applications they are interlinked with one another and need to be considered together as a package. This application has been submitted on the basis that it is '*enabling development*'. Residential development at Staindrop (this site) will generate revenue (£1,958,813), alongside revenue (£980,593), generated from another proposed housing development at Gainford (DM/20/01205/FPA) which would be directed to heritage works proposed at Raby Castle, Park and Gardens (DM/20/01183/FPA and DM/20/01184/LB).
8. The application is being reported to the County Planning Committee following a request from the Parish Council. Their comments are fully summarised later in the report.

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## **PLANNING HISTORY**

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9. There is no relevant site history relating to application site. Outline approval has recently been granted for up to 50no. dwellings at land to the south of Sudburn Avenue which lies towards the western edge of the village (DM/18/02721/OUT). There is a reserved matters application currently pending for the erection of 48no. dwellings pursuant to this (DM/20/02899/RM).
10. This application is one of four proposals that are being considered by the Local Planning Authority on behalf of Raby Estates. Two applications (DM/20/01183/FPA and DM/20/01184/LB) have been received for development proposals at Raby Castle

comprising of repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and winery cafe, works to Walled Garden and associated infrastructure and landscaping in addition to an application for listed building consent. There is also a further application (DM/20/01205/FPA) for 79no. housing units at Gainford.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive

communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
24. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/guidance/national-planning-policy-framework>

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular

relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

### The County Durham Plan

26. *Policy 6 - Development of Unallocated Sites.* States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
27. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
28. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
29. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
30. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
31. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by

new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

32. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
35. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
36. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage

will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

39. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
40. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
42. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
44. *Policy 56 – Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

45. *Staindrop Parish Council* – Object to the development on the grounds that it is contrary to Development Plan policies and question the legality of the enabling development aspect. The issue of pedestrian access from the site to the centre of the village needs to be carefully considered as the existing footpaths are not conducive to increased and easy use.
46. *Winston Parish Council* – Express concerns regarding the implications that such a large-scale development will have on capacity of the surrounding road network, particularly at the junction between Winston Road and the A688 in addition to the area around the school.
47. *Highway Authority* – The Transport Assessment demonstrates that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local road network and no mitigation is required. The site layout has been amended to include the requested revisions, sight visibility would be achieved and the proposed parking provision is deemed acceptable. Improvements are required to existing bus stop infrastructure. No objection is therefore raised subject to the imposition conditions and informatives.
48. *Drainage and Coastal Protection* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
49. *Environment Agency* – Following the submission of additional information no objection is raised subject to a condition being imposed to secure the implementation of the FRA and Surface Water Drainage Strategy and Technical Note. Several informatives are also recommended in relation to Environmental Permits, flood maps, biodiversity and biosecurity.

#### **INTERNAL CONSULTEE RESPONSES:**

50. *Spatial Policy* – The key determining factors with this proposal will be the impact of the proposed new build development on the landscape and settlement pattern/form of Staindrop together with resolving any flood risk issues. The scheme should be considered in the context of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. This relates to the townscape, landscape and heritage implications of developing so close to the Conservation Area, so the key considerations will be whether the development of the site would be a natural extension to the settlement and whether it would unacceptably affect the landscape character of the countryside, or the setting of the Conservation Area and listed buildings which are nearby. An acceptable highway access would also have to be secured. Whether the impact of development will be acceptable will be a planning judgement and will be informed by the views of the specialists. The scheme is being promoted as enabling development, which is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission. Therefore, for the proposal to be progressed in an enabling development context, it would first have to be concluded that the scheme is not policy compliant. Finally, the viability assessment which has been submitted to justify the quantum of development has been independently verified, and the findings will help to inform deliberations. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.

51. *Archaeology* – There is still post-excavation work to be completed which will help inform the mitigation strategy. No objection is raised subject to the imposition of conditions to secure an archaeological programme of works and post investigation assessment.
52. *Clean and Green* – No comments received.
53. *Design and Conservation* – No objection raised. In relation to the impact on heritage assets it is concluded that whilst the development will change the setting of two specific listed buildings and the wider landscape setting of the designated conservation area such changes will not be harmful as a result of the form, context and historic uses of the assets affected. In relation to the detail of the proposed development, the approach to the layout, scale, massing and detailed design of the development is considered acceptable especially following amendments to the scheme which successfully overcome previous areas of concern.
54. *Ecology* – Raise no objection to the scheme subject to conditions being imposed to secure the recommendations and compensation outlined within the submitted ecological reports, including but not restricted to the acquisition of a relevant protected species license prior to any works commencing on specified buildings, with all works to be undertaken in strict accordance with the conditions of the licence including the installation of alternative bat roosting opportunities and the sensitive timing of works to avoid the hibernation period. Furthermore, net gains and the long-term management and maintenance of the biodiversity land would need to be secured.
55. *Environment, Health and Consumer Protection (Air Quality)* – Overall, it is considered that the air quality assessment uses current best practice methods to consider the effects of emissions to air associated with the proposed development. Provided that the recommended mitigation measures are included in a Dust Management Plan (or similar), and effectively implemented when necessary, it is agreed that the proposed development should be acceptable in terms of its effect on local air quality.
56. *Environment, Health and Consumer Protection (Pollution Control)* – No objection subject to conditions to secure a construction management plan and the mitigation measures recommended within the noise assessment.
57. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
58. *Housing Delivery* - Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 2 bedroomed affordable properties to rent, 3 bedroomed affordable home ownership and there is higher demand for bungalow accommodation in comparison to neighbouring areas. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
59. *Landscape* – While development would give rise to a noticeable change in character, the proposals are well designed and should be reasonably attractive in themselves in views from public vantage points in the immediate vicinity. Landscape features are generally retained and incorporated in the design of the scheme and replaced with appropriate features where removed. Whilst there would be localised harm to the rural landscape and AHLV in the short and medium term, this is offset to some degree through adequate landscaping being incorporated. Overall, it is not considered that the proposals taken in the round would detract from the special character of the AHLV in the long term.

60. *Landscape (Arboriculture)* – There is no objection to the proposal on arboricultural grounds provided conditions are imposed to secure a detailed Tree Protection Plan, tree planting specification, schedule and maintenance plan.
61. *Public Rights of Way* – The creation of new public footpath routes is welcomed. A detailed specification of improvement works, in addition to entering into a creation agreement, will need to be secured.
62. *School Places Manager* – It is considered that the development is likely to produce 22 primary pupils and 9 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools. No further mitigation is required in this instance.
63. *Sustainable Travel* – The housing development would have acceptable access to local bus services. The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this.
64. *Visit County Durham* – This is a game-changing development for the County, and we would like to express our complete support for the project. The proposer and their consultants have taken a very professional approach to establishing and understanding market demand and profiling existing and potential visitors. Unusually, the overall project is entirely consistent with all of the Durham Tourism Management Plan's destination development priorities. From a post-COVID recovery perspective, the proposed developments at Raby are considered critical to the future success of the county in order to aid recovery and retain or create jobs for our residents especially given the severity of the impact of the pandemic on tourism and the visitor economy. (Comments received as part of application DM/20/01183/FPA relating to the wider package of development proposed at Raby Castle, Parks and Garden).

#### **EXTERNAL CONSULTEE RESPONSES:**

65. *Northumbrian Water Limited* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the agreed drainage strategy. An informative is also recommended so that awareness is given to the presence of their assets on site.
66. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective. No comments have been provided in response to the amended layout.
67. *Tees Valley Clinical Commissioning Group* – The increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

#### **PUBLIC RESPONSES:**

68. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. A re-consultation exercise was also undertaken.

#### **Objection**

69. 51 no. letters of objection have been received. The main concerns and queries raised by the objectors can be summarised as follows:

## Principle of development

- The development is contrary to policy. This application has been submitted on the basis that it is 'enabling development.' Paragraph 202 of the NPPF provides a framework for Local Planning Authorities to assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. It is questioned whether these works are required to secure the future conservation of historic assets or are they more desirable to enhance and improve upon the success of an already attractive tourism attraction? Are the assets in question even at risk? How can this development represent the minimum necessary development given the scale of the development especially in a small village? Overall, it is considered the disbenefits to the people of Staindrop far outweigh the benefits of the scheme.
- There are more preferable, smaller brownfield sites that should be considered in advance of this site.
- Durham County Council is already able to demonstrate a supply of 6.37 years of deliverable housing. There is no demand for additional housing within the village as a site (DM/18/02721/OUT, land to the south of Sudburn Avenue) already benefits from consent for 50 units. The proposed development coupled with the one already consented will result in a significant increase in housing in the village which cannot be justified in such a small settlement. Collectively, the village would increase in size by around 20%. How can further development even be considered when the construction on the other site hasn't even commenced?
- This application should be refused in line with Officer's recommendation to refuse the application at land to the south of Sudburn Avenue (DM/18/02721/OUT) (Member overturn at South West Planning Committee) otherwise the Council would be adopting an inconsistent approach.
- This is not a sustainable location for new housing development of this scale where there are no employment opportunities in addition to limited facilities and, public transport options.
- The needs of a wealthy landowner are being prioritised over local residents. Raby Estates have significant land holdings, properties and wealth therefore they should generate funds from another means.
- Raby Estate have significant land holdings therefore it is unbelievable that this site is considered the most preferable to bring forward housing on.
- It is considered that any S106 imposing obligations on the developer to secure the works at Raby Castle would be unlawful. Contributions should be secured for the benefit of the village.
- The development is considered inappropriate development within the Green Belt.

## Access/Highways

- Query the capacity of the local network, particularly at the junction between the B6274 and the A688 and adjacent to the primary school, to accommodate the additional traffic arising as a result of the development. The B6274 Winston Road has narrow sections near the junction with the A688 therefore if vehicles are parked, moving vehicles, especially larger ones such as agricultural vehicles, haulage wagons, delivery vans and buses, will struggle to pass which will result in significant congestion. Furthermore, it is particularly difficult to turn right at this junction to travel north along the A688. There are also not just the vehicle movements of the new residents themselves to consider, but an increase in service traffic supporting these such as visits from delivery drivers etc. The development at Raby Castle will also result in more traffic. This will put pressure on the bridges into the village.

- The B6274 is not an easy road to negotiate and it is used by walkers, cyclists and horse riders. The proposed access point is not considered to be appropriate. This development could unacceptably result in an increase in road traffic accidents.
- The safety of pedestrians crossing the road through queuing and increased levels of traffic is concerning especially as there is no permanent, safe crossing point in the village.
- There are concerns about the accuracy of the data and assessment contained with the Transport Assessment. It is not considered that the peak time, which don't include school drop off times, are an appropriate measure.
- The proposed access point into the development isn't well considered being in such close proximity to other neighbouring developments. Cars often park near to these existing access points which may prove hazardous to cars leaving the development as there won't be adequate visibility, traffic speeds are high and the road is used by large vehicles.
- There is a lack of parking within the development. Additionally, some of the designated spaces are quite a distance from the property they serve meaning they will be unattractive for occupants to use leading to increased levels of on street parking and potential overspill onto Winston Road.
- There is a lack of parking within the village itself. The development will place additional pressure on the village as people are likely to use their car to access its services and facilities. There are concerns this could lead to vehicles parking on the greenspaces and causing damage.
- Sight visibility is insufficient.
- As there are no employment opportunities within the village, residents would need to travel to work. Given the limited bus service this would inevitably be by car.

#### Landscape Impact, Layout and Design

- The proposal will have a significant, adverse, visual impact resulting from the development of a greenfield site in an Area of High Landscape Value where the strategy is to conserve and enhance. It would result in the loss of attractive countryside and historic field patterns.
- Development of this site would have an adverse impact on the setting and approach to the village. Even at year 10, landscape mitigation planting within the site would be partially mature and reduce effects on the landscape character.
- This is a significant extension, to a small historical ribbon village in Teesdale. The Conservation Area Appraisal states that it is primarily a one street village with small offshoots having been built behind the main roads therefore it is linear. The development is therefore not in character or keeping with this village as it is a modern development with sweeping curved roads. It is considered more akin to backland development and if allowed would set an undesirable precedent for other developers to follow.
- The development would have an adverse impact on Staindrop Conservation Area.
- The rear parking courts, large areas of open space and multiple exit routes for offenders will give rise to anti-social behaviour.
- The development would have an adverse impact on the character and appearance of the area.
- The design of the properties is not appropriate as terraces would face onto existing single storey properties. The development is not considered to reflect the quality of the architect's other developments. The proposed materials are not considered to be reflective of the village as properties are typically constructed from stone. It is considered render has been favoured as it reduces costs. The scale, form and appearance of the properties are not considered to be reflective of existing properties within the village.

Other issues/comments

- The adverse environmental impact of developing a greenfield site such as this including loss of agricultural land and the impact to biodiversity including local landscape features such as trees and hedges, wildlife and habitats. Some of these species are ones which are afforded special protection.
- Large portions of the site lie within flood zones 2 and 3a which are at high risk of flooding. There is not considered to be any justification to build within a flood plain. The fields, main road and nearby properties regularly flood and it is difficult for residents to obtain insurance. Future occupants would likely experience similar problems. The development will increase flooding and drainage issues in the area as well as further upstream and downstream of Sudburn Beck. It could undermine the stability of the bridge putting users at risk. The submitted report considers there would be no significant off-site increased flood risk but fails to state there is no increased risk. It is not considered that there is sufficient capacity within Sudburn Beck to allow surface water from the site to drain into.
- The development will lead to extra pollution including lighting, noise and emissions.
- There will be adverse impacts associated with the construction phase.
- The development will place pressure on local facilities, services and infrastructure such as the GP, primary school, utilities and sewerage network.
- The lack of affordable homes and those which are provided do not meet the needs of the village.
- The impact of the development in the long term on the economy is raised as a concern. This is an area largely dependent on tourism where people can visit and enjoy pretty villages that lie within a rural setting.
- If this development is granted what assurances will there be that Raby will not apply for further housing development? The design lends itself to expansion into the adjacent fields.
- Concerns that public rights of way which exist in the identified fields will become blocked or restricted.
- Will these properties be sustainable and include renewable energy provision?
- Question the submission of the timing of the application at the peak of the Covid-19 lockdown when people are not allowed to meet to discuss the proposals. Concerns are also expressed that re-consultations only allow 14 days for comment and were sent during the school holidays when people are away. This impacts on the ability of residents to respond.
- The submission refers to pre-application discussions with the Council. As a result, and because this application has been submitted by Raby Estate, there are concerns that this is done deal.
- Planning approval would set an undesirable precedent.
- Planning approval should not be granted until the site's potential for archaeological remains have been fully assessed.
- This application will have an adverse impact on water quality.
- It is surprising that Raby Estates have not employed local businesses with knowledge and history of the area, when preparing their application submission. The companies involved have no long-term interest or investment in the village of Staindrop.
- There are considered to be inaccuracies within the application submission. It is not considered that the land is vacant as it has been used for years to graze sheep. Existing shops and facilities within the village are not considered to be accurate nor are the reported walking distances to them. It is also considered the site address is misleading.
- Raby Estates are pursuing this application against the wishes of the residents of Staindrop.
- This application should be determined by the Planning Committee rather than through delegated powers.

- Reduction in property value.
- Loss of view.

70. *The Campaign for the Protection of Rural England* has objected to the scheme on the following grounds;

- The proposal is contrary to both current and emerging planning policy.
- It is questioned whether any S106 contributions secured from the Staindrop housing site can legitimately be used to fund 'enabling' works at Raby Castle. It is considered the two sites are remote from one another to allow a sufficient connection between the two.
- There appear to be no material benefits arising from this scheme for the people of Staindrop.

#### Support

71. A letter of support has been received from the Head Teacher of Staindrop CE Primary School. They feel that this development is essential for the village as it would help to sustain the vitality of the local school. Whilst the school is very popular with parents and children, their pupil numbers are decreasing. If this continues, which is likely to be the case, without any further housing development, the provision they can offer is likely to reduce or become eroded completely having a negative impact on the village. They are aware that Staindrop Academy face a similar issue.

72. A further letter of support has been received outlining there is a demand for family housing in Teesdale and Weardale and current housing stock is limited. Their family, along with others they know, would be interested in purchasing a new family home in Staindrop given there are a range of facilities within the village including a nursery, both primary and secondary school in addition to local shops. It is also close to Bishop Auckland. Not only would the development provide much needed family homes, including affordable homes, the development would help secure the future of heritage assets owned by Raby Estates.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

73. Across the three linked planning applications for housing development at Gainford and Staindrop, and tourism development at Raby Castle, Park and Gardens (RCPG), the consistent theme is the need to complete urgent repair works at Gainford Hall and the nearby Dovecote, removing them from the Heritage At Risk register and the further significant heritage benefits arising from the repurposing of vacant and underutilised heritage assets at RCPG. Alongside the heritage benefits, the proposals at RCPG also accrue significant economic benefits through the increase in visitor numbers, spend and dwell time in the County.

74. The development of 72 dwellings in Staindrop is intrinsically linked to the delivery of the heritage works at Raby Castle, Park and Gardens which constitute the backbone of the wider tourism benefits to be secured. With the grant of planning permission, a series of clear triggers within the S106 will ensure the heritage works at RCPG begin as early as possible and will be completed in a timely manner, ahead of the completion of the housing development. Compliance with the requirements will be controlled by legal agreement.

75. Following two years of detailed discussions with Durham County Council and several rounds of public consultation, the application before members today will secure a development of exceptional design quality, with careful control over materials, landscaping and other finishes. Recognising its position in the community, Raby Estate has instructed a widely acclaimed architect and landscape design team to ensure the development is reflective of the qualities of the village. It is important to the Raby Estate for this development to achieve a successful integration into the village and deliver a wide range of benefits to village residents, beyond the heritage works at RCPG.
76. As well as delivering a housing development of exceptional quality, the scheme will secure the following wide-ranging benefits.
- Reduced traffic speeds entering the village;
  - On site affordable housing available at 30% below market housing levels;
  - Dedication of three new public footpath routes, providing improved access to the surrounding countryside;
  - Amenity open space provision, accessible from the new dedicated footpath and available for the whole village;
  - £34,769 financial contribution on open space to be spent locally on facilities such as children's play space, and allotments;
  - Support approximately 50 direct FTE construction jobs per annum over an estimated 4 year build period;
  - Supporting an additional 80 indirect and induced FTE jobs in the supply chain and related services per annum throughout the build period;
  - Deliver an uplift in Gross Value Added of £7.8 million per annum throughout the build period;
  - First occupation expenditure (spending to make a house 'feel like a home') in the order of £400,000;
  - Additional resident expenditure in local shops and services of approximately £700,000 per annum;
  - An uplift in Council Tax payments to Durham County Council in the region of £165,000 per annum; and
  - New Homes Bonus payments in the region of £585,000 over a four-year period.
77. In summary, it is the strong view of the Estate that planning permission should be granted for this well-designed housing scheme which will secure significant and wide reaching public benefits.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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78. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, affordable and accessible/adapted housing, contamination and land stability and other matters.

The Principle of the Development

*The Development Plan*

79. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
80. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
81. Policy 6 of the County Durham Plan (CDP) relates to the development of unallocated sites. It states proposals will be permitted within or adjacent to the built up area provided that they are well related to the settlement and amongst other criteria do not result in the loss of open land that contributes to the character of the locality which cannot be adequately mitigated or compensated for and that it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. The development of the application site would conflict with Policy 6 as it is outside the built-up area for Staindrop and it is not well-related to the settlement, consequently it would draw no support from it. Detailed consideration of the scheme against the relevant criterion (a – j) of the policy will occur in later sections of this report.
82. As the application site is located outside of the built-up area of Staindrop it is considered to be countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal does not form one of these forms of development and is thereby in conflict with Policy 10.
83. In summary, whilst the proposal would be contrary to Policies 6 and 10 of the CDP, the overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies.

#### *Enabling Development*

84. Paragraph 202 of the NPPF outlines that ‘enabling development’ is development that would not be in compliance with planning policies, and not normally given planning permission, except for the fact that it would secure the future conservation of a heritage asset. For the purposes of Paragraph 202, as outlined above, the principle of residential

development at the site is contrary to Development Plan policy. The NPPF recognises that conflict with planning policies may be justified if the development proposed would secure the future conservation of the asset(s) and the wider benefits outweigh the disbenefits of not adhering to those policies.

85. Historic England has recently published its revised guidance on enabling development; Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning Note 4. It should be noted that this is purely a guidance note therefore does not represent planning policy nor does it prescribe a single methodology or approach. Notwithstanding, it is a helpful tool in order to consider and gain a full understanding of the relevant issues in relation to enabling development.
86. The problem which enabling development typically seeks to address occurs when the cost of repair (and conversion to the optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs. This means that the subsidy to cover the difference, '*the conservation deficit*,' is necessary to secure its future. The amount of enabling development that can be justified will be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the assets.
87. The applicant considered other sources of funding to secure the future conservation of several of its heritage assets, including from Historic England, the North Pennines Dales LEADER programme and the National Heritage Lottery Fund amongst others, however none were considered to be available within a reasonable timeframe. In order to assist in delivering the wider economic benefits at Raby Castle Park and Garden (RCPG) it was necessary to consider alternative forms of funding, such as enabling development. Enabling development must be justified by the inherent lack of viability of the heritage asset, not an owner's inability to fund a commercially viable scheme. Conversely the fact that an owner may have other means does not undermine the case for enabling development as the case rests on the asset having a conservation deficit rather than the owner being able or not able to afford to repair the assets and secure their option viable use.
88. The application has therefore been submitted on the basis that it is '*enabling development*'. Residential development at Staindrop will generate revenue (£1,958,813) alongside revenue (£980,593) from another proposed housing development at Gainford (DM/20/01205/FPA), that would be directed to heritage works proposed at RCPG. The application is accompanied by a range of supporting documents including a viability appraisal sufficient to allow for detailed consideration of the enabling development approach. It sets out the works required for the various heritage works at RCPG (fully detailed within application submissions DM/20/01183/FPA and DM/20/01184/LB), along with the associated costings of these. The package of works proposed is well considered and is broadly equivalent to comparable projects in cost terms. A development scheme has been devised which is seen by the applicants as constituting the minimum enabling development to secure the repair and future of the heritage assets. This has been demonstrated through the viability appraisal which, following amendments to some of the assumptions made, has been independently verified.
89. The various components of the RCPG proposals are fully detailed and considered through applications DM/20/01183/FPA and DM/20/01184/LB. In summary, the heritage works comprise of the following;
  - Repair and minor alterations to the Coach House, to offer space for the display of coaches and important stable fittings; education space; interpretation space for the

Estate and Walled Garden areas with potential to accommodate some retail space for Castle merchandise, a studio flat and office space.

- Repair and minor alterations to the Riding School to allow it to act as a “stone marquee” which could accommodate events, exhibitions, retail opportunities/concessions, supported by the provision of minimal power, lighting, water and drainage services.
- Repair of the Dutch Barn, with removal of the non-original timber infill to the eastern bay. Minimal service provision through the use of ‘pop up’ service bollards will allow the space to serve as a covered farmer’s market or other uses requiring a roof as may occur.
- A re-planted and landscaped Walled Garden, retaining the present division into three areas. No alterations are proposed except the rebuilding of some parts at the north-west edge of the central garden, where the Conservatory is being put back and the formation of two new openings in the centre of the dividing walls between the central garden and those to each side. A Lead Cistern is proposed to be relocated within the garden.

90. Whilst some of the proposals are more aligned to tourism benefits (i.e. the proposed play area), revenue arising from the enabling development is only sought for elements of the scheme which have a heritage benefit (i.e. The Riding School) including some commercial items which are imperative to the long-term protection of the various heritage assets (i.e. works to the Walled Garden). The total combined cost of the RCPG masterplan, including both heritage and tourism items, is expected to cost in the region of £12-£14m. This represents a substantial level of investment by the Estate and will result in considerable economic and tourism related benefits, both during the construction and operational phases. It would see the expansion of a visitor attraction through the development of new buildings and facilities in addition to the conversion of a number of designated heritage assets. Based on the increased visitor number projections (both day and overnight), the direct impact of the development is estimated to be around £3M arising through additional spend in the local economy. In addition to this direct expenditure, there would be indirect and induced economic benefits. All combined this is expected to be in the region of £8.5M. The Business Plan also estimates that the proposal could create 55 FTE jobs and a further 66 FTE jobs in the wider network. In addition, the heritage works proposed would considerably enhance the historic environment of RCPG through investing in its spaces and buildings. The works would also facilitate an increased appreciation of them through allowing public access to heritage, in addition to helping to secure their long-term future.
91. The benefits arising from the enabling development are very much dependant on them being properly secured through a S106 legal agreement. Should planning consent be granted, the legal agreement would also require specified heritage works at RCPG to be undertaken prior to the occupation of an indicated number of dwellings. This ensures that the enabling development would securely provide for the future of the heritage assets concerned in accordance with paragraph 202 of the NPPF.
92. Several objections have raised concerns about there being no physical or logical connection, other than ownership, between the application site in Staindrop and the works at Raby Castle it is designed to finance. They conclude that a S.106 agreement flowing from this development imposing obligations on the developer in connection with works at Raby Castle would be unlawful. Historic England’s guidance recognises it may be preferable to site enabling development away from the heritage assets in order to avoid harm to it or its setting (Paragraph 51). In this particular case, the housing site at Staindrop, it is considered to be reasonably nearby to RCPG and is within the same ownership. The S106 obligations for the conservation works are a material planning consideration on the housing schemes because of the enabling nature of the schemes.

The Council's Solicitor has fully considered these objections and raises no concerns with regards to securing the heritage work through a S106 legal agreement.

93. It is recognised that enabling development might result in an adverse impact on the asset, although, good design will minimise potential impacts. The enabling development at Staindrop would have no adverse impact on heritage assets at RCPG. The impacts to assets at RCPG have been fully assessed through applications DM/20/01183/FPA and DM/20/01184/LB. In the case of RCPG, it is considered that the heritage works represent a sympathetic approach to each component part, with minimal physical intervention to restore and repurpose some of the most significant sections of the Raby Estate. Furthermore, there would be no fragmentation of the historic assets at RCPG as a result of proposed development.
94. The defining characteristic of enabling development is that it would secure the future conservation of a heritage asset and the balance articulated in NPPF paragraph 202 is met. Neither Historic England or the Council's Design and Conservation Officer raise any objection to the scheme subject to a S106 Agreement to secure the future of the heritage assets and the significant benefits that arise from doing so. The balance test can only be considered following an examination of all relevant issues.

#### *Housing Land Supply*

95. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
96. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

#### *Locational Sustainability of the Site*

97. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.
98. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Staindrop is rated as having a settlement score of 27.4 (ranked 52<sup>nd</sup> out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is therefore capable of accommodating appropriate housing

growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.

99. Staindrop benefits from a range of facilities including a primary and secondary school, GP surgery, a public house, a village hall, places of worship and local convenience store therefore is relatively well serviced. Staindrop Primary School is located approximately 410m from the closest part of the application site, the newsagent/post office and GP's surgery are around 710m away and the convenience store lies around 860m from the site boundary. All of these are at the lower to mid limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". The walking routes to the amenities and services in the surrounding area can be taken along adopted well-lit highways with no significant topographical restrictions or alternatively more direct routes are available along Public Rights of Way. For similar reasons, cycling is also likely to be a viable alternative to the private motor car to access amenities and services within the village. Whilst recognising Staindrop does not possess the same range of facilities as a major settlement or larger town, those it does have, coupled with sustainable transport options, reduces the amount of trip generation between settlements and reliance on the private motor vehicle. The Sustainable Travel Team have not raised any concerns or objections in relation to this development.
100. Policy 26 of the CDP expects developments to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.
101. There are no Public Rights of Way (PROW) within the site however Footpath no.24 (Staindrop) (FP24) lies immediately adjacent to sections of its north western boundary. FP24 provides connections to the village to the north and leads on Footpath no.23 (Staindrop) (FP23) to the west. FP23 provides a more direct route to Staindrop Primary School and other services and facilities within the village. The developer proposes the creation of a new recorded footpath to provide a link between FP23 and Footpath no.20 (Staindrop) (FP20) in order to improve accessibility to both the village and the wider local footpath network. To further improve accessibility, two additional dedicated routes are also proposed. One would cross the more central area of open space out onto FP24. The other would run through the public open space, across a small section of land within the control of Raby Estates and out onto FP23. The Public Rights of Way Officer welcomes the creation of these three new dedicated footpath links as this will give good east-west connectivity from the site without having to enter the built up environment of the village (FP20 and FP23) and the other two routes will provide further connections onto the local footpath network (FP23 and FP24). This would be regarded as a significant benefit. The specification of the new paths, alongside some relatively minor improvements to existing paths in the surrounding network to mitigate the impacts of increased use, would be secured via condition. The dedication of these additional routes can be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
102. Bus stops lie on the B6274 Winston Road which provides a limited service between Barnard Castle and Darlington, operating Mondays to Saturdays. The development would lie within the desired maximum walk of 400m to bus stops. More frequent bus services (including evenings and weekends) do however operate from the A688 Spa Road approximately 585m from the site boundary. The Institution of Highways and

Transportation (CIHT) "Providing for Journeys" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range. Future residents would therefore have the option to access bus routes closer to their homes (albeit with more limited services) or could choose to walk a little further (within what is considered to be an acceptable walking range) to access a much wider range of services. The Council's Public Transport Infrastructure section have identified that improvements are required to the existing bus stop infrastructure including the provision of a shelter on the westbound carriageway of the B6274. It is proposed that these works would be secured by condition.

103. The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this in the event of an approval in accordance with Policy 21 of the CDP.
104. Local residents have written letters of objection to express concerns that there are more favourable brownfield sites to develop out before considering greenfield sites such as this and there is sufficient new development consented in the surrounding area. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor is a sequential approach required. However, any adverse impacts of development on greenfield land should be considered in the planning balance.
105. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
106. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

#### Highway Safety and Access

107. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
108. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The Highway Authority is satisfied with the submitted TA and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.

109. A new priority junction is proposed off the B6274 Winston Road to provide access to the residential development. To accommodate the requisite 2.4m x 90m sight visibility splays, a section of the existing roadside hedge to the southern edge of the B7264 would require removal, replaced by a new one albeit set outside the visibility splays. An existing public footpath runs alongside the southern edge of the B6274. The development would make new pedestrian footpath connections onto this at the proposed vehicular access point in addition to a further link opposite Langley Garth.
110. The proposed new internal road system and general layout has, from the outset, been promoted by the applicant as being inspired by 'Manual for Streets' guidance which has been successfully implemented at a number of other sites such as Poundbury and Tornagrain. They seek to move away from traditional highway engineered solutions including lining and signing in order to deliver a high-quality development which strives to be pedestrian focused through seeking to lower vehicle speeds and vehicle dominance within the street amongst others. It has been the subject of various discussions with highways officers, in conjunction with other disciplines within DCC. It has led to the site layout design presented as part of the application and represents a confluence of representations made by all interested disciplines, rather than one dominating all others, and acknowledging also that part of the site is in a designated Conservation Area. Whilst there are some elements of the proposed internal adopted road system that are a departure from that normally adopted by the Highway Authority, it's Officers have agreed to accept its subsequent adoption. Following some amendments, the internal road layout has now been agreed and car parking provision is deemed to be acceptable. In the event of an approval a condition to secure the estate roads being designed and constructed to meet current highway standards and two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be added to the decision notice.
111. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Landscape and Visual Impact

112. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
113. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the Northern Tees Vale: Staindrop & Ingleton Broad Character Area which belongs to the Lowland Vale Broad Landscape Type. The site lies on the southern edge of Staindrop, to the west of the B6274 Winston Road and is made up of low lying open pasture on relatively flat terrain

in the edges of the floodplain of the Sudburn Beck. The site is divided into fields through a network of hedges as well as modern fences creating smaller paddocks with associated small agricultural buildings. Tree cover is relatively low although there are some notable mature boundary ash and oak. To the east the site is bounded by a hedgerow adjacent to Winston Road, to the south by the tree-lined Sudburn Beck, to the west by a mixture of hedges and fences, to the north-west by a hedged track and to the north by the gardens of residential properties within Grice Court. The site lies within an Area of Higher Landscape Value (AHLV). The application is accompanied by a Landscape and Visual Assessment (LVIA) document in addition to a landscape masterplan plan which provides an overview of the surrounding site context, the landscape and visual effects which may arise as a result of the development and mitigation measures to address the potential effects.

114. The effects of the proposals at the site level would be transformative with a permanent change from open farmland to built development, typical of any development on greenfield land. The effect on the character of the local landscape would be relatively high in the short and medium term. The development would read as incursion of new built form into attractive open countryside west of the village. This would be appreciated in views from the southern approach to the village on the B6274 north of Bow Bridge and the footpath network to the immediate west of the site. In the view from the road and housing east of site the development would introduce housing in the foreground, obscuring shallow views of open countryside. This would be most visible upon development where the hedge has been removed for access and sightlines, partially concealed behind hedging elsewhere. This would remain essentially urban in character, albeit increasingly leafy in appearance as the hedge and proposed tree planting developed along that frontage. From further south towards Bow Bridge, the development would introduce a new settlement edge extending out into open countryside. The extent of development visible would be greater than at present, closer to the viewer and unmediated by vegetation in the early years. It is proposed to manage the roadside hedge up to around 2m in height which could be achieved fairly rapidly (<5 years) and potentially partly in advance of development. This together with the planting of hedgerow, field trees and a roadside copse would screen or assimilate the development in that view for typical road users. From footpaths west of the site the development would introduce housing in the foreground of the view. Current views are typically of the existing settlement edge with agricultural and allotment buildings in the foreground. The proposals would bring development closer to the viewer, although with some retained open space with trees penetrating into the site. This would soften to some degree in places with the establishment of boundary hedges, but the change in character would remain evident. The effects would diminish to the west due to the shallowness of the views and to the south due to the effects of vegetation along the beck. There would be some beneficial effects on the local landscape in respect of the enhancement of meadow land in the south and the planting of additional native trees in that area. These would be mostly appreciated in the localised experiences of people using that open space. Taken in the round, the overall adverse effect on the character of the local landscape is assessed by the Council's Landscape Officer as being of a medium-high magnitude in the short/medium term (substantial significance) falling progressively as structure planting developed in some views to medium (moderate significance) in the longer term after 10 years. Similarly, whilst there would be some localised harm to the character and scenic quality of the AHLV as described above, it is considered there would not be a substantial impact to its attributes in the long term. The effect on the wider landscape of the Tees Vale would not be significant. The landscape is of generally medium sensitivity to this form of development and the effects would be localised.
115. Details of hard and soft landscaping, including off-site planting, in accordance with the principles established within the landscape masterplan are required to be secured by

condition in the event of an approval. Given the importance of some of the key mitigation measures in reducing the harmful effects of the proposals it would be necessary to have them secured by condition and timescales for their delivery established.

116. The proposals would have some localised effects on landscape features. High quality trees within the site would be retained. A large section (65m) of roadside hedge would be removed to facilitate access into the site and the requisite visibility splays. A tree and section of hedge would be removed to facilitate the development as well as two trees considered unsuitable for retention. Existing buildings on site would also be removed. The landscape masterplan provides for gapping up of existing hedges, hedgerow tree planting and the development of new hedges along the western and southern boundaries together with widespread planting of native trees in public open spaces and streetscapes within the development in addition to the proposed meadow to the south. The provision of open space is substantial and is well considered. Any loss to existing landscape features will be more than compensated for by the additional tree and hedge planting. The Council's Arboriculture Officer has no objection to the scheme on the basis conditions are imposed to secure a detailed Tree Protection Plan, tree planting specification, schedule and maintenance plan.
117. Overall, it is recognised that there would be some adverse landscape and visual impact arising from the development which needs to be considered in the planning balance. While development would give rise to a noticeable change in character, the proposals are well designed and should be reasonably attractive in themselves in views from public vantage points in the immediate vicinity. Landscape features are generally retained and incorporated in the design of the scheme and replaced with appropriate features where removed. There would be localised harm to the rural landscape and AHLV especially in the short and medium term, however, the impact of the development will progressively reduce over time as the landscaping establishes. Whilst acknowledging there are positive aspects of the scheme, which seek to minimise the impacts of the development, some adverse landscape and visual impacts would arise in the short to medium term resulting in conflict with Policy 6 of the CDP. The proposals would not, however, result in overall conflict with Policies 26, 29, 39 and 40 of the CDP or Parts 12 or 15 of the NPPF.

## Layout and Design

118. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
119. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice (outlined above) and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas

a “red” gives a warning that a particular aspect needs strong reconsideration. The scheme scored extremely positively, achieving 11 green and 1 amber following its reassessment after amendments were made to the scheme.

120. The proposed layout responds appropriately to the site context, particularly in relation to the existing built form and the approach to Staindrop, as well as appropriate landscape features. Development is set back from Winston Road, behind the retained hedge, allowing the character of this aspect of the approach into Staindrop to be retained. The form and layout of the development also responds positively to the southern boundary and how the development will appear in views on the approach to Staindrop. Existing trees at the western edge of the site have been retained and incorporated into the public open space and form an attractive vista stop from the vehicular entrance to the site. The principles of the proposed layout are considered appropriate which includes perimeter blocks with vehicular access and parking to the rear, allowing streets and public spaces to be well-defined by strong building frontage and giving priority to pedestrians. True corner-turning units also allow for active frontage to key junctions within the development. During the course of the application, amendments were made to Road C and the boundary treatment plan to provide active frontage and natural surveillance of space in addition to increased landscaping to soften the dominance of parked cars and the extent of hard surfacing in this area. The access route through to the area of open space has also been improved as a result of it being widened and gables have been animated to allow more natural surveillance of the area.
121. The approach to scale and massing varies across the site from 1-2 storey in response to the specific context. Winston Road is addressed by 1.5 storey dwellings, set back from the road and behind an existing fence reducing any dominant impact. The scale and massing of the dwellings along the southern boundary particularly towards to south east corner have also been carefully considered, especially considering the level changes, with amendments being made to reflect officer advice. A simple material palette is proposed drawn from local precedent. Walls are proposed as being either local rubble stone or through colour render, with either slate or clay pantile roofs. Along Winston Road and other important street frontages internal to the development, properties are proposed to be constructed from local stone.
122. The proposed development is locally distinctive, and street scenes have variety in built form, architectural detailing and materials. To ensure a high-quality development is achieved a number of conditions would be required including agreement on final materials and joinery details.
123. Both the Council’s Design and Conservation and its Urban Design Officer raise no objection to the development as they consider the proposed development is undoubtedly of a high quality which draws heavily on local influences to deliver a development with local distinctiveness. In this regard, the overall design and layout of the development would be compliant with Policy 29 of the CDP and Parts 12 or 15 of the NPPF.

#### Heritage and Archaeology

124. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.

125. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker.
126. The site does not include any listed buildings and it is not located within Staindrop Conservation Area. It does however sit in close proximity to several designated heritage assets and the potential effects on the setting of these assets has therefore been considered in the submitted heritage statement. No non-designated heritage assets have been identified within the site boundary. The statement contends that whilst the village has 99 listed buildings, due to degrees of intervisibility, only two are sufficiently close to merit fully detailed consideration these being the Garden House (Grade II) and Garden Walls Enclosing Orchard and Garden South-East of Garden House with Piers (Grade II). The Council's Conservation Officer accepts this approach.
127. The development of the site would have no direct effect upon either Garden House or the Garden Walls. Garden House faces west into its own garden and although there is a bay window in the later addition to the property which overlooks Winston Road, any views of the site would only be visible in oblique views along the road. The significance of the Garden Walls derives from their age, function, form, alignment and materials. The legibility of their function has diminished through infilling them with housing. Although the proposed development site will be visible from them it will not affect the appreciation of them or the significance derived from their former use. It is not considered that the development would adversely affect the setting or significance of these listed buildings.
128. At its closest point, the site lies within 130m of Staindrop Conservation Area. Its character area appraisal identifies key views (see Appendix 5) none of which would be impacted upon as a result of this development. The appraisal acknowledges that the views southwards provide an attractive setting, however, the site is already largely screened in views to and from the Conservation Area. On the basis that the development is detached from the Conservation Area, will not affect key views and the impact is further mitigated by potential design quality, materials and landscaping there is considered to be no harmful impact.
129. Design and Conservation officers have raised no objections to the proposal on heritage grounds. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. The proposals would, therefore, accord with Policy 44 of the CDP and Part 16 of the NPPF.
130. An interim archaeological evaluation report has been submitted in support of this application however there is still post excavation works to be completed which will inform the mitigation strategy. Whilst this work would usually be completed pre-determination, given the ongoing Covid 19 situation, the Council's Archaeologist is agreeable to this being secured via condition. On the basis that conditions are imposed to secure this archaeological programme of works and reporting and achieving thereafter, the Council's Archaeologist raises no objection. The proposal is therefore considered to comply with Policy 44 of the CDP and Paragraph 189 of the NPPF.

Residential Amenity

131. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
132. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site layout indicates that generally separation distances between dwellings in the development are in excess of or as advocated by the SPD however there are instances where distances fall short. As an example, there is 12.5m between the opposing front elevations of a coach house (plot 16) and a house (plot 53). This has purposefully been done to create a tighter urban grain in some areas, create different street hierarchies and reflect the character of the settlement. This typically occurs to opposing front elevations, particularly at pinch points designed to create visual interest, through the use of corner turners and the inclusion of some of the coach house style properties. Ultimately such features lift the overall design quality of the development and although distances can fall short, this is not to an unacceptable extent in the context of this particular scheme. These all relate to relationships between the proposed dwellings. Distance standards with properties external to the development are comfortably achieved. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts. Permitted development rights are, however, proposed to be removed in relation to extensions to ensure this continues to remain the case especially as some separation distances fall short in some areas of the site. As site levels are proposed to be raised, a condition is required to secure site levels and finished floor levels. Lighting pollution is similarly not considered to be a concern.
133. Concerns have been expressed by both the Police Architectural Liaison Officer and local residents in relation to the use of rear parking courts within the scheme. The overall design has been amended to improve natural surveillance of these areas through increased overlooking from properties and allowing views over boundary enclosures.
134. Some of the proposed housing would be in close proximity of the B6274 Winston Road, therefore, the noise arising from this and the impact to future occupants needs to be considered. Environment, Health and Consumer Protection (Nuisance) Officers advise that a condition be imposed to secure the noise mitigation measures outlined within the submitted noise assessment report including but not restricted to an enhanced glazing and ventilation specification for identified facades. Subject to the imposition of this condition, it is not considered that there would be an unacceptable noise impact on the dwellings from the B6274.
135. There is the potential for disturbance during the construction period, therefore, a construction management plan should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts.

136. Similarly, Environment, Health and Consumer Protection consider that the development would not have a significant effect on air quality and there is no requirement to undertake further assessment. They raise no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition. As such, there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and paragraph 181 of the NPPF.
137. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

## Ecology

138. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
139. An Ecological Appraisal has been submitted in support of the proposal and outlines that the development is not predicted to have any impacts on statutorily or non-statutorily designated sites. Bat surveys identified roosts within agricultural buildings 2 and 4. A number of bird species were also identified as being likely to breed in or adjacent to the site. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended). Habitats within the site are also suitable for otter, badger, hare, hedgehog and common toad although no evidence of these species were recorded during the field survey. These are all priority species. No other protected or priority species are likely to be affected by the proposals. None of the hedgerows are important hedgerows as defined under the Hedgerows Regulations 1997.
140. Natural England has the statutory responsibility under the Conservation of Habitats and Species Regulations 2017 to deal with any licence applications for works affecting European Protected Species. Before planning permission can be granted for development that may lead to and interference with species protected by European Law, the Local Planning Authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
141. To compensate for the potential impacts to bats and their habitat, prior to the demolition of agricultural buildings 2 and 4, 4no. bat boxes will be provided on retained trees to provide alternative roosting opportunities during the works. Mitigation will also be provided in the form of bat sensitive timing of works to avoid the hibernation period, a sensitive lighting scheme would be conditioned and remaining buildings that have no confirmed bat roosts will be undertaken to a cautionary Method Statement to address the low residential risk that bats may be present. The developer would not be able to undertake works to agricultural buildings 2 and 4 (as identified within the Ecological Appraisal) until obtaining the relevant Natural England Licence with all works thereafter taking place in strict accordance with the condition of the licence.
142. Having regard to the Habitats Regulations and derogation tests it is considered that i) It is in the public interest that the development scheme can be implemented to deliver associated economic, environmental and social benefits; ii) and therefore there is no satisfactory alternative in the context of this development; iii) the proposed mitigation is

appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. It is therefore considered that Natural England would be likely to grant a license. Accordingly, the LPA can discharge its duties under the Habitats Regulations.

143. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application. The overall landscape strategy approach includes the creation of areas of wildflower grassland within the area of open space to the south of the built development, in addition to proposed ecological enhancement works at four sites which have been identified to provide off site compensation at Selaby Lodge, Langton Bank, Standrop Meander Meadow and Stream (4no. sites). Overall, this would achieve a net gain of 11.85% therefore according with the policy requirements of emerging CDP and Paragraph 175 of the NPPF. A detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981.
144. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

145. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
146. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site primarily lies within Flood Zone 1 with a low flood risk probability. Parts of the site lie immediately adjacent to Sudburn Beck and includes areas which are identified as being within Flood Zones 2 (medium probability) and 3a (high probability) therefore on land that has a higher risk and probability of flooding. The development does not affect Flood Zone 3b (functional floodplain).
147. As development is proposed in an area of higher flood risk there is a requirement to undertake a sequential test. In order to meet the requirements of the sequential test it should be demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance provides further advice on the sequential test and advises that a pragmatic approach on the availability of alternative sites should be taken.
148. This application has been submitted on the basis that it is 'enabling development'. Residential development at this site will generate revenue which would be directed to

heritage works proposed at RCPG from which significant public benefits would arise. Earlier sections of the report confirm that officers are satisfied that the 72 units proposed represent the minimum necessary to ensure these heritage works can be delivered when considered in the context of the other scheme at Gainford. Pre-application discussions identified that with the exception of the site at Gainford, there were no other suitable sites within the Raby Estate portfolio. Alternative sites were discounted for a number of reasons including size and suitability for the specific development. The acquisition of third-party land was also discounted as it would significantly reduce the level of revenue generated from the scheme meaning a higher quantum of development would be required to achieve the same heritage gains. On this basis it is concluded that the development complies with the requirements of the sequential test.

149. The NPPF advises that if it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. Planning Guidance identifies residential development as being 'more vulnerable' and that vulnerable development types are suitable uses for land in all areas apart from Flood Zone 3b. The majority of housing is located within Flood Zone 1 although a small portion is proposed within Flood Zone 2. On this basis there is no requirement for the exception test to be applied to this development
150. The design of the development includes raising of the housing and access roads above the predicted 1 in 1000 year flood levels and ensures that the proposals are protected for their lifetime. Compensatory storage is provided in the area between the housing and Sudburn Beck through lowering some levels on the remaining land in order to offset any storage which is lost to the development and to ensure there is no net loss in storage capacity. The development proposals ensure that there are no impacts off-site by the inclusion of a surface water drainage system which restricts discharge to the existing greenfield runoff rate and provides surface water storage with appropriate climate change allowance.
151. The Environment Agency are a statutory consultee in this regard and during the course of the application have reviewed the flood modelling for the site, the development and design mitigation. Following the submission of additional information they have raised no objection to the development subject to the imposition of a conditions to secure the development is implemented in accordance with the agreed details and informatives relating to flood map zoning, Environmental Permits, Biodiversity and Biosecurity. In doing so they have accepted that the modelling work demonstrates that the design solution would be appropriate to protect the site from the flood risk posed, as well as ensuring that flood risk is not increased elsewhere.
152. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance with the Council's adopted SuDS Adoption Guide. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
153. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition and an informative about the presence of their assets on site.
154. On this basis no objections to the development on the grounds of flood risk or drainage grounds. It is considered that the development would not result in an unacceptable flood

risk and development is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Infrastructure and Open Space Provision

155. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
156. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
157. The site layout demonstrates that large areas of green space (equating to 3.75ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.237ha) and parks/recreational grounds (requirement is for 0.2212ha) requirements. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
158. Although parks/recreational areas would normally be expected to be accommodated within larger development schemes there is no objection in principle to a development seeking to mitigate its own impact in this regard. It is acknowledged that the open space is likely to be attractive to future residents of the estate and indeed those within the wider area especially as this typology is not currently present within the village. The land would provide a variety of benefits including but not restricted to providing an attractive setting to the village as well as providing new connections onto the proposed adjacent PROWs. Its inclusion within the scheme can be afforded weight in the planning balance.
159. A contribution of £34,760 has been put forward by the developer to be used towards off-site provision in lieu for those typologies not provided for onsite (allotments, children and youth play space). Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to be acceptable and in accordance with the Council's standard approach. The contribution would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
160. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms

that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

161. The School Places Manager has advised that the proposed development is likely to generate an additional 22 primary age school pupils and 9 secondary age school pupils and there is sufficient capacity at the local schools to accommodate this need. As such no financial contribution is required.
162. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 54-56 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
163. The Tees Valley Clinical Commissioning Group (TV CCG) has advised that the increase in resident population as a result of this development should not have a material effect on the local GP surgeries and their abilities to provide care. As such no contribution has been sought to make the proposed housing expansion supportable from a health infrastructure perspective.

#### Affordable and Accessible/Adapted Housing

164. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.
165. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing. The Historic England enabling development guidance states that development should be for the *'minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.'* In order to keep the amount of enabling development to a minimum the proposal would not be expected to deliver affordable housing. This is reflected in the submitted viability appraisals which assess the scheme on the basis of 100% market housing. Notwithstanding this, Raby Estates wish to deliver 5% affordable provision, comprising of 4no. 3-bedroom houses, for affordable home ownership in order to meet local needs. This is an improvement upon the original offer of 2no. 2-bedroomed flats and 2no. 3-bedroomed flats. So as not to increase the quantum of development, this would be privately funded by the Estate with property prices discounted by 30% against open market value. The NPPF defines discounted market sales housing as that sold at a discount of at least 20% below local market value but that eligibility is determined with regard to local incomes and local houses prices. The level of discount proposed clearly exceeds the 20% referenced in the NPPF though factoring local incomes and houses prices this level of discount would not bring property prices down to a truly affordable level but would still be significantly more affordable than they otherwise would have been and would help towards securing more affordable home ownership for some. The applicant has indicated that this level of provision would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended). Whilst recognising there are some shortfalls to the approach outlined above, this is an enabling development scheme therefore this is a voluntary contribution which would in part work towards meeting an identified need for affordable housing. As such it is regarded a material benefit.

166. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
167. The scheme would provide a total of 8no. properties suitable for older persons, equating to 11% of the units on site therefore exceeding the 10% requirement. A total of 48no. properties, equating to 66% of the units on site, would be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. The development therefore accords with Policy 15 of the CDP and Paragraph 61 of the NPPF. These requirements can be secured via condition.
168. In terms of housing mix, the development would provide a range of 1, 2, 3, 4 and 5 bedroomed apartments, bungalows, coach houses and houses in a range of detached, semi-detached and terraced options therefore in compliance properties with Policy 19 of the CDP and Part 5 of the NPPF.

#### Contamination and Land Stability

169. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
170. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this and an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.
171. The site does not lie within the defined high risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

#### Other Considerations

172. Policy 29 of the emerging CDP sets out that major new build residential development should achieve CO<sub>2</sub> reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval.

173. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 6.73ha of Grade 3b (moderate quality) agricultural land. The land is therefore not deemed to be best and most versatile.
174. The site lies partially within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of fluvial sand and gravel, forming part of a larger deposit to the south, east and south east of Staindrop. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Staindrop and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. Furthermore, there is an overriding need for this development to take place as it will fund a number of heritage works proposed at RCPG. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.
175. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would secure the following all of which are considered to meet the required tests;
- Heritage works to RCPG prior to the occupation of a specified number of plots;
  - The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance of the biodiversity land;
  - An off-site public open space contribution;
  - Dedication of three new recorded footpaths;
  - The delivery of 5% affordable housing, extending to the delivery of 4no. 3-bedroom houses for discount market sale;
176. The proposal has generated some public interest, with fifty-one letters of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.
177. It is noted that the application was submitted at the height of the Covid 19 crisis, whereby restrictions were in place to prevent gatherings and there were disruptions to the postal service causing a delay in neighbour notification letters being received. Whilst the timing of the submission was unfortunate, it is considered residents had sufficient opportunity

to comment on the proposals especially as a more recent re-consultation exercise was undertaken. All letters of representation have been considered, even if received outside of the consultation period. Whilst concerns have been expressed about the accuracy of the submitted information, officers and consultees have considered they have sufficient information upon which to base their assessment. Furthermore, it is the applicant's choice which companies they appoint to help prepare their application submission. Each application is determined on its own merits against the policies in place at the time therefore it is not appropriate to speculate on whether further applications would be submitted by the Estate or other individuals for which this application would set an undesirable precedent if approved. Loss of view and property devaluation are not a material planning considerations. The site is not within the Green Belt.

#### Consideration of Application Against the Development Plan and other material considerations

178. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
179. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies. The development site is considered to be located outside the built-up area of Staindrop and not well-related to the settlement. As a result, the proposal is in conflict with CDP Policy 6. It has been identified that the development would result in localised harm to the rural landscape and AHLV in the short and medium term, offset to some degree through adequate landscaping being incorporated which will help to progressively reduce the impacts over time as the landscaping establishes. Whilst acknowledging there are positive aspects of the scheme, some adverse landscape and visual impacts would arise in the short to medium term resulting in further conflict with detailed criteria within Policy 6 of the CDP.
180. As the application site is located outside of the built-up area of Staindrop the development should be considered against CDP Policy 10. The proposal does not meet any of the forms of development permitted under Policy 10 and is thereby in conflict with it.
181. Paragraph 12 of the NPPF advises that where a planning application conflicts with an up to date development plan permission should not usually be granted. However, Local planning authorities may make decisions that depart from a development plan where material considerations in a particular case indicate that the plan should not be followed.
182. Having regard to Paragraph 202 of the NPPF, should the benefits of a proposal for enabling development outweigh the disbenefits of departing from the Development Plan, then this can form those material considerations to depart from that plan.
183. Substantial public benefits to the historic environment would arise through the delivery of the proposed heritage works which would considerably enhance the historic environment of RCPG through investing in its spaces and buildings. The works would also facilitate an increased appreciation of them through allowing public access to heritage, in addition to helping to secure their long-term future.
184. The total combined cost of the RCPG masterplan, including both heritage and tourism items, is expected to cost in the region of £12 - £14m. It would result in significant

economic and tourism rated benefits including job creation and additional expenditure benefits in the area.

185. Aside from these key heritage benefits some other beneficial impacts would arise from the development. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
186. The development would assist in maintaining housing land supply including the provision of affordable housing whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced. This boost to housing supply would also extend to the delivery of affordable homes. Whilst the level of discount proposed would not bring property prices down to a truly affordable level, they would be significantly more affordable than they otherwise would have been and would help towards securing affordable home ownership for some. The amount of affordable home provision is also below that normally required having regard to the most up to date evidence on affordable housing need, however, as discussed earlier in the report, this is acceptable in the context of an enabling development application. Furthermore, 11% of properties would be suitable for older persons and 66% of properties would be constructed to Building Regulation M4(2) (accessible and adapted standard).
187. It would secure the creation of new recorded footpaths between FP20 and FP23, a route through the site onto FP24 and a further one onto FP23 improving linkages within the local footpath network which the public would benefit from as a whole.
188. The level of on-site open space is likely to be attractive to future residents of the estate and indeed those within Staindrop, especially as the parks/recreational type area to the south of the estate will introduce a typology of open space that is not currently present within the village. Its inclusion with the scheme can therefore be afforded weight in the planning balance.
189. In terms of flood risk, the relevant policies within Part 14 of the NPPF have been complied with, having regard to the need to apply the sequential and exception tests. The scheme is suitably designed and no objection has been raised by either the Environment Agency or the Council's Drainage and Coastal Protection Officers. As a result, the application of the NPPF flood risk policies do not provide a clear reason to refuse the development.
190. Based upon the ecological works proposed, it is considered that the development should lead to 10% net gains in terms of biodiversity.

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## **CONCLUSION**

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191. Significant investment is proposed to a number of heritage assets at RCPG to secure their repair, repurpose and long-term protection. The applicants have put forward a comprehensive package of enabling works, comprising the erection of 72no. dwellings, alongside a further housing development at Gainford, to finance these works. The package of proposals and proposed Heads of Terms to be secured by S106 legal agreement comprehensively deal with the works required and the timely delivery of this to ensure the long-term protection of the assets.

192. Given the recent adoption of the CDP, the Council now has an up to date development plan against which this proposal should be assessed. It has been identified that the development would result in localised harm to the rural landscape and AHLV in the short and medium term, offset to some degree through adequate landscaping being incorporated which will help to mitigate this impact over time. Conflict with Policies 6 and 10 of the CDP has been identified. The development would, however, enable the protection of a number of heritage assets.
193. The proposal has required the careful weighing up of the need and benefit of securing these works to heritage assets against the harm created by allowing a new residential development in the countryside. Paragraph 202 of the NPPF provides the framework to allow this consideration to take place. Overall, it is considered that significant material benefits would arise as a result of the development, most notably with regard to securing the long-term future of a number of heritage assets, significantly and demonstrably outweighing the adverse impact arising from the housing development being located in the open countryside. Despite the principle of development being contrary to the County Durham Plan, the report outlines why this scheme represents a justified departure from the development plan. In reaching this conclusion, it is noted that the submitted viability appraisal has been independently verified and the development proposals have been considered by statutory, internal and external consultees to which no objection has been raised. There is considered to be a legitimate case for enabling development of a scale which is the minimum necessary in order to safeguard the long-term protection of the assets concerned.
194. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed obligations and contributions are considered to be in accordance with these tests.
195. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
196. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- Heritage works to RCPG prior to the occupation of a specified number of plots;
- The requirement to enter into a S.39 Agreement to secure the detailed habitat creation and long term management document, including a monitoring strategy of the biodiversity land;
- £34,760 towards improving offsite open space and recreational provision within Barnard Castle East Electoral Division;
- The dedication of a three new Public Right of Way as shown on drg. no. L-101 Rev. C - Footpath Plan

- The delivery of 5% affordable housing comprising of 4no. 3-bedroom houses for affordable home ownership,

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drg. no. L100 Location Plan received 12/05/2020

Drg. no. L101 Rev. C Footpath Plan received 21/08/2020

Drg. no. HGN\_002 Rev. P02 Site Access Arrangements received 04/09/2020

Drg. no. 1277-ST03 Rev. J Landscape Masterplan received 21/08/2020

Drg. no. A-100 Rev. C Proposed Site Plan received 21/08/2020

Drg. no. A-101 Rev. C Proposed Masterplan received 21/08/2020

Drg. no. A-102 Rev. C Proposed Unit Count received 21/08/2020

Drg. no. A-103 Rev. C Proposed Affordable Housing Plan received 21/08/2020

Drg. no. A-104 Rev. C Proposed Parking Strategy received 21/08/2020

Drg. no. A-105 Rev. C Proposed Waste Strategy received 21/08/2020

Drg. no. A-106 Rev. C Proposed Adoption Plan received 21/08/2020

Drg. no. A-107 Rev. C Proposed Boundary Treatment Plan received 21/08/2020

Drg. no. A-150 Rev. A Winston Road Street Elevations received 21/08/2020

Drg. no. A-151 Rev. A Road A & B – Street Elevations received 21/08/2020

Drg. no. A-152 Rev. A Road C – Street Elevations received 29/07/2020

Drg. no. A-153 Rev. A Road D – Street Elevations received 29/07/2020

Drg. no. A-201 Plots 1-3 Plans and Elevations received 12/05/2020

Drg. no. A-202 Plots 4-8 Plans and Elevations received 12/05/2020

Drg. no. A-203 Plots 9-11 Plans and Elevations received 12/05/2020

Drg. no. A-204 Plots 12-14 Plans and Elevations received 12/05/2020

Drg. no. A-205 Rev. A Plot 15 Plans and Elevations received 29/07/2020

Drg. no. A-206 Rev. A Plot 16 Plans and Elevations received 29/07/2020

Drg. no. A-207 Rev. A Plot 17 Plans and Elevations received 29/07/2020

Drg. no. A-208 Plots 18-22 Plans and Elevations received 12/05/2020

Drg. no. A-209 Plots 23 & 24 Plans and Elevations received 12/05/2020

Drg. no. A-210 Plots 25 & 26 Plans and Elevations received 12/05/2020

Drg. no. A-211 Plots 27 & 28 Plans and Elevations received 12/05/2020

Drg. no. A-212 Plots 29-32 Plans and Elevations received 12/05/2020

Drg. no. A-213 Plot 33 Plans and Elevations received 12/05/2020

Drg. no. A-214 Plot 34 Plans and Elevations received 12/05/2020

Drg. no. A-215 Plot 35 Plans and Elevations received 12/05/2020

Drg. no. A-216 Plots 36-41 Plans and Elevations received 12/05/2020

Drg. no. A-217 Plots 42 & 43 Plans and Elevations received 12/05/2020

Drg. no. A-218 Rev. A Plots 44-46 Plans and Elevations received 29/07/2020

Drg. no. A-219 Plots 47 & 48 Plans and Elevations received 12/05/2020

Drg. no. A-220 Rev. A Plots 49 & 50 Plans and Elevations received 29/07/2020

Drg. no. A-221 Plots 51 & 52 Plans and Elevations received 12/05/2020

Drg. no. A-222 Plot 53 Plans and Elevations received 12/05/2020

Drg. no. A-223 Plot 54 Plans and Elevations received 12/05/2020  
Drg. no. A-224 Plot 55 Plans and Elevations received 12/05/2020  
Drg. no. A-225 Plot 56 Plans and Elevations received 12/05/2020  
Drg. no. A-226 Rev. A Plot 57 Plans and Elevations received 29/07/2020  
Drg. no. A-227 Plot 58 Plans and Elevations received 12/05/2020  
Drg. no. A-228 Plot 59 Plans and Elevations received 12/05/2020  
Drg. no. A-229 Plot 60 Plans and Elevations received 12/05/2020  
Drg. no. A-230 Plot 61 Plans and Elevations received 12/05/2020  
Drg. no. A-231 Plot 62 Plans and Elevations received 12/05/2020  
Drg. no. A-232 Rev. A Plot 63 Plans and Elevations received 29/07/2020  
Drg. no. A-233 Plots 64-66 Plans and Elevations received 12/05/2020  
Drg. no. A-234 Plot 67 Plans and Elevations received 12/05/2020  
Drg. no. A-235 Plot 68 Plans and Elevations received 12/05/2020  
Drg. no. A-236 Plots 69-70 Plans and Elevations received 12/05/2020  
Drg. no. A-237 Plot 71 Plans and Elevations received 12/05/2020  
Drg. no. A-238 Plot 72 Plans and Elevations received 12/05/2020  
Drg. no. A-239 Rev. A Typical Garage Plans and Elevations received 29/07/2020  
Drg. no. A-240 Typical Garages, Substation and Bin Store Plans and Elevations received 12/05/2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 29, 31, 35, 36, 39, 40 and 41 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.

11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

4. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

6. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

8. No development, other than demolition and site remediation works, shall commence until full engineering details of the site access in accordance with drg. no. HGN\_002 Rev. P02 (Site Access Arrangements) have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details prior to the first occupation of the dwellings.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the proposed development is served by a safe access.*

9. No development, other than demolition and site remediation works, shall commence until full engineering details of the estate roads have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the proposed development is served by a safe access.*

10. No development, other than demolition and site remediation works, shall commence until a scheme to achieve CO<sub>2</sub> emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development is constructed within sustainability embedded.*

11. No development or tree works shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the approved details and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.*

12. Notwithstanding the details submitted with the application, no development, other than demolition and site remediation works, shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- a) Samples of all roofing materials
  - b) A sample panel of stonework to be used in the construction of the proposed walls including boundary walls shall be constructed on site for the inspection of an officer of the Local Planning Authority;
  - c) Joinery details at a scale of 1:20 for all doors and windows;
  - d) Details of chimneys;
  - e) Details of all rainwater goods;
  - f) Details of all railings/balcony enclosures;
  - g) Details of all heads, cills and window surrounds;
  - h) Details of the colour finish of all external timber work;
  - i) A specification and samples of all render finishes, including colour.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

13. Notwithstanding the details submitted with the application, no development, other than demolition and site remediation works, shall commence until the details of the surface treatment and construction of all hard-surfaced areas have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

14. Notwithstanding the details submitted with the application no development, other than demolition and site remediation works, shall commence until details of all means of enclosure have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

15. No development, other than demolition and site remediation works, shall commence until a detailed landscaping scheme, which should follow the parameters set out in drg. no. 1277-ST03 Rev. J (landscape masterplan), has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention (including any gapping up and management works).
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting specifications and procedures including tree pits, irrigation systems, plant supports and plant protection.
- Details of seeded or turfed areas and areas of habitat creation including specifications for ground preparation, seed or planting mixes, and sowing or planting rates and procedures.
- Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that a landscape mitigation takes place at an early stage of development.*

16. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

17. No dwellings shall be occupied until a scheme of works to facilitate improved access and infrastructure to the existing bus stops off the B6274 Winston Road adjacent to the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

18. No dwellings shall be occupied until a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The

Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

19. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

20. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

21. No dwelling shall be occupied until a detailed specification for the new footpaths, as shown on drg. no. L-101 Rev C (footpath plan) and improvements to infrastructure on Footpath no. 23 (Staindrop), have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 of the National Planning Policy Framework.*

22. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

23. The sound attenuation measures detailed in the Noise Assessment RE/GN/NA/10/19, dated 5 May 2020 by QEM Environmental Consultants shall be completed prior to the occupation of the development and permanently retained thereafter.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

24. The development shall be carried out in accordance with the drainage scheme detailed in the following documents and plans;

- Flood Risk Assessment and Surface Water Drainage Strategy report no. 001 (Issue 5) Wardell Armstrong dated May 2020

- Drainage Strategy - Ref: NT14337-02-001 Rev J
- Technical Note, Staindrop – Outline Method Statement, Ref: NT14337/TN003 Issue 1 dated 20 July 2020
- Staindrop Microdrainage File dated 13/08/2020
- Drg. no. NT14337-02-002 Rev. E Proposed Centreline and Finished Floor Levels Sheet 1 of 2
- Drg. no. NT14337-02-003 Rev. E Proposed Centreline and Finished Floor Levels Sheet 2
- Appendix 1 – Ref: Drives Water Quality – NT14337
- Appendix 1 – Ref: Roads Water Quality – NT14337

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

25. The development shall be carried out in accordance with the recommendations outlined within Section H of the Ecological Appraisal Rev. R06 dated April 2020 and Section H of the Bat Survey Rev. R04 dated November 2020 by E3 Ecology Ltd.

*Reason: In the interests of ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

26. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development falling within Part 1 (all Classes) and Classes A and C of Part 2 of Schedule 2 of the said Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.*

28. 48no. properties shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

*Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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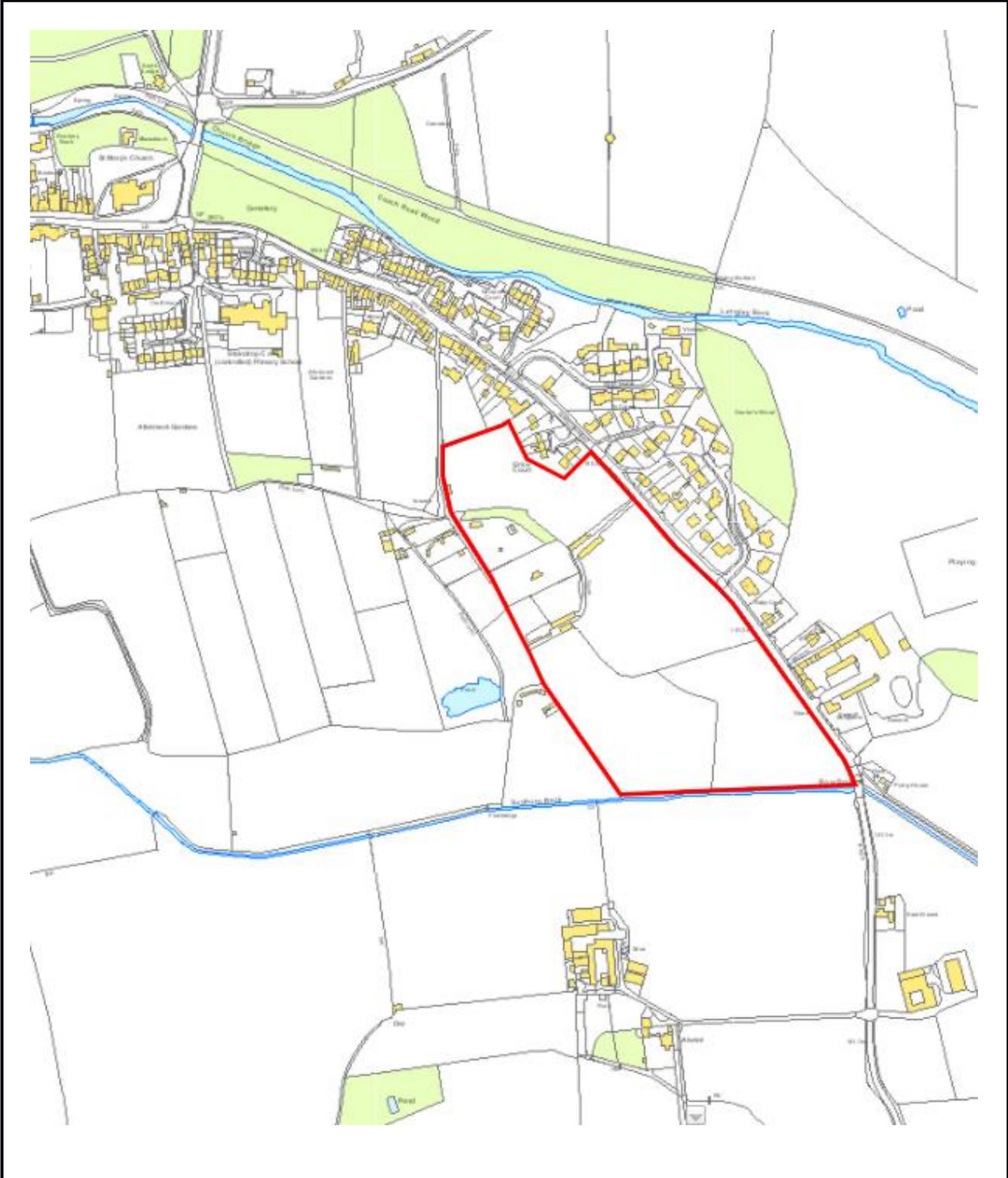
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Settlement Study (2018)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- Historic England's Enabling Development and Heritage Assets, Historic Environment and Good Practice Advice in Planning Note 4 (2020)
- County Durham Landscape Character Assessment: The Tees Lowlands (2019)



**Planning Services**

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The erection of 72 residential dwellings (Use Class C3) associated infrastructure and landscaping and demolition of on-site buildings and structures Land To The West Of Grice Court, Staindrop Ref: DM/20/01185/FPA

**Comments**

**Date** 1<sup>st</sup> December 2020

**Scale** Not to Scale

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** 1) DM/20/01183/FPA

**APPLICATION DESCRIPTION:** Repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and vinery cafe, works to Walled Garden and associated infrastructure and landscaping

**APPLICATION NO:** 2) DM/20/01184/LB

**APPLICATION DESCRIPTION:** Refurbishment and alterations to Riding School (UID 1121778); Dutch Barn (UID 1121777); Stables and Coach House (List UID 1121776); Garden Walls (UID 1121780); and Cistern in Walled Garden (1310785)

**NAME OF APPLICANT:** Raby Estates

**ADDRESS:** Raby Castle, Raby Park, Staindrop, Bishop Auckland, DL2 3AH

**ELECTORAL DIVISION:** Barnard Castle East

**CASE OFFICER:** Laura Eden  
Senior Planning Officer  
03000 263980  
[laura.eden@durham.gov.uk](mailto:laura.eden@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. Raby Castle Park and Gardens is an established tourism site which benefits from significant visitor numbers. The application site lies immediately to the north of Raby Castle and extends to approximately 8.7ha. The site comprises of parkland, gardens and buildings within the wider Raby Castle Park and Garden Estate. It lies approximately 1.2km to the north of the existing built up area of Staindrop Village.
2. The site is accessed from the west, off the A688 Keeverstone Bank through a gated access at North Lodge. There are no Public Rights of Way within the development site. Public Footpath No.2 (Raby with Keeverstone) runs from North Lodge, north towards Cockfield.

3. The site contains a number of listed buildings most notably the Stables and Coach House building (Grade II\*), the Dutch Barn (Grade II\*), Riding School (Grade II), the Walled Gardens (Grade II) and a cistern within the Walled Gardens (grade II) in addition to some curtilage listed buildings such as the conservatory and vinery. The site is set within 200 acres of deer park with the parkland registered as Grade II\*. Land further to the west is on the local list of historic parks, gardens and designated landscapes. Raby Castle (Grade I) and Staindrop Conservation Area lie within 100m and 1.2km respectively of the southern boundary of the site. Some 1.5km to the north of the site lies Cockfield Conservation Area.
4. The site falls entirely within an Area of High Landscape Value. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site.

### The Proposal

5. This report relates to two separate but related applications.

#### *DM/20/01183/FPA*

6. This application seeks full planning permission for the repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and vinery cafe, works to Walled Garden and associated infrastructure and landscaping.

#### *DM/20/01184/LB*

7. Listed Building Consent is also sought for the refurbishment and alterations to Riding School; Dutch Barn; Stables and Coach House; Garden Walls; and Cistern in Walled Garden.
8. A summary of the works proposed as part of both applications is set out below;
  - Repair and minor alterations to the Coach House, to offer space for the display of coaches and important stable fittings; education space; interpretation space for the Estate and Walled Garden areas with potential to accommodate some retail space for Castle merchandise, a studio flat and office space.
  - Repair and minor alterations to the Riding School to allow it to act as a “stone marquee” which could accommodate events, exhibitions, retail opportunities/concessions, supported by the provision of minimal power, lighting, water and drainage services.
  - Repair of the Dutch Barn, with removal of the non-original timber infill to the eastern bay. Minimal service provision through the use of ‘pop up’ service bollards will allow the space to serve as a covered farmer’s market or other uses requiring a roof as may occur.
  - The Conservatory within the walled garden will be rebuilt, to almost its original extent, using the drawings prepared at the time of its reduction in 1981. This will continue to incorporate the original fabric retained at that time. The Conservatory will be used to offer table service catering (80 covers) within the Walled Garden.
  - The Vinery building will contain a large self-service café within a glasshouse rebuilt on almost the original footprint, with the retained sheds behind used to contain kitchens, storage and WCs. To access the new service yard, vehicles will pass over a new bridge across the ha-ha.
  - Creation of a new build Visitor Centre located at the centre of the Walled Gardens area, and at the focus of the entry route from the car park. Its function will be both

to provide information and way-finding advice to visitors and be the point of sale of tickets for visitors to the Walled Gardens and the Castle.

- A re-planted and landscaped Walled Garden, retaining the present division into three areas. No alterations are proposed except the rebuilding of some parts at the north-west edge of the central garden, where the Conservatory is being put back and the formation of two new openings in the centre of the dividing walls between the central garden and those to each side. A Lead Cistern is proposed to be relocated within the garden.
- Sustainable heating and power to all of these buildings, through the use of a new Combined Heat and Power unit, to be placed in the refurbished structures, currently unused, and known as the Bull House and adjoining shed.
- New car parking and coach parking provision.
- Introduction of new play equipment within the plantation of spruce to the north of the proposed carpark, on the site of a former estate plant nursery. Two small timber buildings are proposed within this area comprising of a small-scale catering outlet and timber clad toilet. A ticketing building, associated within the car park, is proposed within the car park.
- A comprehensive landscape strategy throughout the application site.

9. The applications are being reported to the County Planning Committee as it relates to a non-residential development proposal exceeding 2ha.
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## **PLANNING HISTORY**

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10. There have been various minor proposals at the site however none which are relevant to the determination of these applications.
11. The Local Planning Authority is currently considering two other applications submitted on behalf of Raby Estates. There is a proposal for 79no. housing units at Gainford (DM/20/01205/FPA) in addition to a further application (DM/20/01185/FPA) for 72no. housing units at Staindrop. The housing applications have been submitted on the basis that they are '*enabling development*'. Residential development at Staindrop will generate revenue (£1,958,813), alongside revenue (£980,593), generated from another proposed housing development at Gainford (DM/20/01205/FPA) which would be directed to heritage works proposed at Raby Castle, Park and Gardens.

## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

14. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued

landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

23. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### The County Durham Plan

25. *Policy 7 – Visitor Attractions*. The visitor sector is an important and resilient part of the county's economy. In order to raise the quality of the visitor experience, the provision of new visitor attractions, or the expansion of existing attractions will be permitted provided they are located in sustainable and accessible locations, or can be made so; appropriate to the site's location in terms of scale, design, layout and materials; it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays. Developments in the countryside should meet identified visitor needs; support local employment; ensure adequate infrastructure and respect the character of the countryside. Comprehensive masterplanning and a robust business plan to articulate the potential impacts, proposed mitigation and economic, social and environmental benefits should accompany applications for large scale new or expanding visitor attractions.
26. *Policy 10 – Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
27. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in

sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

28. **Policy 25 - Developer Contributions.** Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
29. **Policy 26 – Green Infrastructure.** States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
30. **Policy 29 – Sustainable Design.** Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
31. **Policy 31 - Amenity and Pollution.** Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
32. **Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.** Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
33. **Policy 35 - Water Management.** Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

34. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
35. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
36. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
37. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
38. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
39. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

40. *Raby and Keverstone Parish Council* – No comments received.

41. *Highway Authority* – The Transport Assessment demonstrates that the traffic flows associated with the proposed development, including ‘Event’ Day traffic, will be satisfactorily accommodated on the local road network and no mitigation is required. The increased and formalised visitor parking provision is considered appropriate to accommodate the additional demand. Cycle parking provision and improved access to existing bus stops should be secured by condition. No objection is raised subject to the imposition of relevant conditions.
42. *Drainage and Coastal Protection* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
43. *Historic England* – Supports these applications. Overall, they consider that the proposals would considerably enhance the historic environment of Raby through investing in its spaces and buildings and facilitating increased appreciation of them. This is achieved in a sensitive and creative way that not only conserves but adds a new layer to the estate. The proposals are a good example of sustainable development as defined within the National Planning Policy Framework (NPPF) for the way it would increase economic activity through the sympathetic use of built and natural heritage. This is reflected in paragraph 192 of the NPPF which considers the value of heritage to economic and social well-being.
44. *Environment Agency* – No objection to the planning application as submitted. This development will require a permit under Environmental Permitting Regulations 2016 from the Environment Agency.
45. *National Amenity Society* – No comments received.
46. *The Garden Trust* – In relation to archaeological investigation, it is considered the overall project lacks information, analysis and investigation. Unless a written scheme of investigation is agreed before work commences they will object to the scheme. It is recommended that there is additional peripheral planting to the ends of the new car park to help better screen it. It is queried whether some elements of the play area will be seen above the tree canopies.
47. *Garden History Society* – No comments received.

#### **INTERNAL CONSULTEE RESPONSES:**

48. *Spatial Policy* – The Local Plan is largely supportive of tourist development in countryside locations subject to the criteria set out above. It does however make clear that any adverse impact on the landscape or historical environment should be minimal, and harm to listed buildings would not be permitted. National guidance is supportive of proposals which help conserve and enhance the historic environment and the rural economy, subject to ensuring sustainable development within the context of environment, social and economic considerations. It is naturally less prescriptive, and detailed, than the local plan, however it places additional controls in some areas, for example in respect to managing traffic and biodiversity issues. As the policies which are most important for determining the application are consistent with the NPPF, with the exception of TR2, the two-limbed test set out in NPPF paragraph 11 does not apply here. The application should be assessed based on the likely benefits to the rural economy and tourism in County Durham, and to the conservation of Raby Castle, against potential harm to the historic character of the site, its listed buildings, and any

harm arising from the site's location adjacent to the AHLV, as well as any harm to biodiversity and transport impacts.

49. *Archaeology* – No objection. The trial trench evaluation has confirmed the presence of remains from the former WWII camp on site. The heritage assessment which has also been submitted identifies some areas of archaeological potential. The impact of the development can be mitigated through a small excavation in the area of the car park and watching briefs to monitor works in the gardens to be secured via condition.
50. *Design and Conservation* – These proposals offer a unique and comprehensive, once in a generation opportunity to restore and repurpose one of the most significant sections of the Raby Estate, increasing public access to the heritage and contributing to the visitor economy of the County. It is exceptionally well researched, carefully considered and sensitive to the significance of each component part delivering a scheme which will leave the estate in a substantially improved position on completion. The proposals are considered to be policy compliant and any minor harm to significance is considerably outweighed by the public benefits associated with the proposals. On this basis full support is given to the approval of these applications subject to securing further detail by condition, to ensure that the promised quality is delivered.
51. *Ecology* – Raise no objection to the scheme subject to conditions being imposed to secure the recommendations and compensation outlined within the submitted ecological reports, including but not restricted to the acquisition of a relevant protected species license prior to any works commencing on specified buildings, with all works to be undertaken in strict accordance with the conditions of the licence including the installation of alternative bat roosting opportunities and the sensitive timing of works to avoid the hibernation period. Furthermore, net gains and the long-term management and maintenance of the biodiversity land would need to be secured.
52. *Environment, Health and Consumer Protection (Air Quality)* – Overall, it is considered that the air quality assessment uses current best practice methods to consider the effects of emissions to air associated with the proposed development. Provided that the recommended mitigation measures are included in a Dust Management Plan (or similar), and effectively implemented when necessary, it is agreed that the proposed development should be acceptable in terms of its effect on local air quality. The proposal includes the installation of CHP plant. The applicant will be required to complete the Defra combined heat and power (CHP) Emissions screening tool to allow for consideration in terms of air quality threshold levels. It is also considered that completion of the above screening tool will demonstrate adherence with the Clean Air Act 1993 in relation to chimney height approval.
53. *Environment, Health and Consumer Protection (Pollution Control)* – The development is removed from sensitive receptors therefore it is not expected that noise and odour will have an adverse impact on amenity. A condition to secure extraction details would be beneficial to consider food legislative requirements, odour/noise impact in relation to site operations and design.
54. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
55. *Landscape* – The proposals are well considered and well resolved. Taken in the round it is considered that the effects of the proposals would be beneficial, with some localised harm to the character of the Grade II\* parkland and AHLV offset by a substantial enhancement to the character and quality of the gardens. Details of hard and soft landscaping would be required to be secured by condition.

56. *Landscape (Arboriculture)* – Whilst the proposal will result in the loss of trees throughout the site, some of which are unusual species whereby retention would have preferred, the proposed planting will generally mitigate the removal in the long term. The loss of the beech tree to the north of the riding school is particularly regrettable however a structural engineers support supplied by the applicant suggests the tree should be removed as a preventative measure.
57. *Sustainable Travel* – The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this. The improvements shown to bus stop infrastructure and accessibility are welcomed and should be secured by condition.

#### **EXTERNAL CONSULTEE RESPONSES:**

58. *Northumbrian Water Limited* – At this stage have no comments to make.
59. *Police Architectural Liaison Officer* – No comments received.
60. *Visit County Durham* – This is a game-changing development for the County, and would like to express their complete support for the project. The proposer and their consultants have taken a very professional approach to establishing and understanding market demand and profiling existing and potential visitors. Unusually, the overall project is entirely consistent with all of the Durham Tourism Management Plan's destination development priorities which are;
  - Lengthen the amount of time that visitors spend in the county
  - Improve the quality of the visitor experience post arrival
  - Differentiate Durham for external audiences
  - Attract new staying visitors to the county
  - Retain existing day visitors to the county
  - Address seasonality
  - Develop new product and support existing product strengths
  - Improve SME and micro business performance

From a post-COVID recovery perspective, the proposed developments at Raby are considered critical to the future success of the county in order to aid recovery and retain or create jobs for our residents especially given the severity of the impact of the pandemic on tourism and the visitor economy.

#### **PUBLIC RESPONSES:**

61. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.
62. Two letters of objection have been received. It is not considered that the submission addresses the dangers and inconvenience caused for road users if more people attend the site, particularly for large scale events. It is considered that the submitted Transport Assessment includes some discrepancies and typing errors. The site is not fully accessible by sustainable transport options meaning most visitors will travel by private motor vehicle which does not address environmental considerations. Coupled with the additional (housing) development proposed in the village, it is considered that this would have an adverse cumulative impact on the highway network.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

## APPLICANTS STATEMENT:

63. Raby Estate is an historic landed estate within County Durham centred around Raby Castle, near Staindrop.
64. For many years the Castle and Parkland was only open to visitors on a sporadic basis, making a limited contribution to the wider County Durham tourism economy. This is changing. In 2016 the current Lord and Lady Barnard inherited Raby and now seeks to open up Raby Castle Park and Gardens ('RCPG') to create a sustainable commercial business, showcasing Raby and its values and as a place that brings together the community. This aspiration will have wide reaching positive impacts for the local community and on the tourism economy for County Durham, making one of the finest and best-preserved castle and garden sites accessible to visitors all year round. Visitor arrival arrangements have already been reorganised providing greater accessibility for visitors and local people alike.
65. This is the beginning of a new era for Raby and underpins the vision of 'Raby Rising' driving forward an enhanced tourism proposition as part of a long term sustainable proposition. That vision seeks to retain Raby's existing appeal locally and regionally whilst reaching out to new visitor audiences with an enhanced offer.
66. A masterplan has been developed to inform this work, with the aspiration being a significant increase in visitor numbers to 120,000 per annum, aligned with the Durham Tourism Management Plan. This increase will assist in financing the long-term maintenance of RCPG, as well as creating a major visitor attraction within County Durham, increasing the number of overnight stays and visitor dwell time within the County. In turn this will result in a significant increase in visitor expenditure, summarised as follows:
  - The direct impact of the development is estimated to be around £3M per annum
  - Total estimated direct, indirect and induced economic impact in the area of £8.5M per annum.
  - Average spend of £20.71 per day, creating additional spend in the local economy of around £830,000 per annum
  - Around 8,300 overnight visitors. With an average spend of £253.87 per trip creating additional spend in the local economy of around £2.1M per annum.
  - The direct impact of the development could create around 55 jobs. Using the Employment multiplier this would suggest a further 66 jobs created in the wider supply chain.
67. Developing RCPG to realise its potential as a key regional asset and national tourism destination requires considerable funding. The Castle itself is in a good state of repair due to personal investment of the Vane family, however the numerous listed buildings are in varying states of repair, requiring significant capital investment to ensure they remain viable in the future.
68. Works will include a programme of repairs and restoration to the buildings, including the repurposing of buildings to give them a long-term viable use, as well as extensive works to restore the Grade II\* Walled Garden. Other commercial developments are also proposed including car parking, children's adventure play area and new build visitor arrivals building.
69. In exploring funding sources, the most appropriate means of raising the capital investment required to facilitate the heritage conservation works at RCPG is the release of land in Raby Estate's ownership at the villages of Staindrop and Gainford for

residential development. Separate planning applications have been submitted (also before Planning Committee) and funding for RCPG will be secured via legal agreement. Without the residential development, the proposals at RCPG, aligned with the significant economic benefits for the County, cannot be brought forward.

70. In summary, it is the strong view of the Estate that planning permission should be granted for this unique proposal which will secure the long-term future of RCPG a key asset for the County.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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71. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, heritage, archaeology, layout and design, amenity of adjacent land users, ecology, flooding and drainage, contamination and land stability and other considerations.

### The Principle of the Development

#### *The Development Plan*

72. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
73. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
74. Policy 7 of the County Durham Plan (CDP) relates to visitor attractions, outlining that the visitor sector is an important and resilient part of the county's economy. Amongst its

advice, it states that the provision of new visitor attractions, or the expansion of existing ones will be permitted provided they are; located in sustainable locations, or can be made so; appropriate to the site's location in terms of scale, design, layout and materials and; it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays. Where a countryside location is necessary the development should meet visitor needs, support local employment and community services, ensure adequate infrastructure and respect the character of the countryside. Applications for large scale new or expanding visitor attractions should be accompanied by comprehensive masterplanning and a robust business plan to articulate the potential impacts, proposed mitigation and economic, social and environmental benefits. The supporting text for the policy lists Raby Castle as one of approximately 70 regionally, nationally and internationally recognisable tourist attractions in the county benefitting from significant visitor numbers.

75. Policy 10 of the CDP relates to development in the countryside. Amongst its advice it outlines that development will only be permitted where allowed for by specific policies in the CDP, one of which is Policy 7 discussed above. Policy 10 outlines support for the change of use of an existing building or structures which already make a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations; results in an enhancement of the building's immediate setting and in the case of a heritage asset, represents the optimal viable use of that asset consistent with their conservation.
76. Paragraph 83 of the NPPF sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings as well as encouraging sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 recognises that some businesses may be found beyond existing settlements. In these circumstances it is important to ensure that the development is sensitive to its surroundings, does not have an unacceptable highway impact and exploits opportunities to make the location more sustainable.
77. A masterplan and business plan has been developed in support of the applications, with the aspiration being a significant increase in visitor numbers, aligned with the Durham Tourism Management Plan, which will also assist in financing the long-term maintenance of the Castle, Park and Gardens, as well as support a major visitor attraction within County Durham. The total combined cost of the RCPG masterplan, is expected to cost in the region of £12-14m. This represents a substantial level of investment by the Estate and will result in considerable economic and tourism rated benefits, both during the construction and operational phases. It would see the expansion of an already successful visitor attraction through the development of new buildings and facilities in addition to the conversion of a number of designated heritage assets. Based on the increased visitor number projections (both day and overnight), the direct impact of the development is estimated to be around £3M arising through additional spend in the local economy. In addition to this direct expenditure there would indirect and induced economic benefits. All combined this is expected to be in the region of £8.5M. The Business Plan also estimates that the proposal could create 55 FTE jobs and a further 66 FTE jobs in the wider network.
78. Visit County Durham have offered their complete support for this proposal and consider it to be a game-changing development for the County. They consider that the overall project is entirely consistent with all of the Durham Tourism Management Plan's destination development priorities including lengthening the amount of time that visitors spend in the county, improving the quality of the visitor experience, attracting new

staying visitors and retaining day visitors to the county and addressing seasonality. Visit County Durham see this development playing a crucial part of an increasing range of key attraction investments within the county which are pivotal to the vibrance, viability and sustainability of Durham as a destination. The proposal will result in longer and more importantly overnight stays, bringing positive economic benefits for the local economy in terms of job creation and spend in the supply chain and local businesses. It also brings visitors into rural areas, optimising the potential of neighbouring market towns to attract visitors and operate as service centres for people on rural holidays.

79. In summary, whilst the proposal would draw support in principle from both Policies 7 and 10 of the CDP, the overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies.

#### Locational Sustainability of the Site

80. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Policy 7 also advises that visitor attraction development should be located in sustainable and accessible locations, or can be made so. Specifically, the NPPF sets out at Paragraphs 103, 108 and 110 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Notwithstanding this, Paragraph 84 recognises that some businesses may be found beyond existing settlements in locations that are not well served by public transport. In such cases proposals should exploit opportunities to make a location more sustainable by for example improving the scope for access on foot, cycling or by public transport.
81. Bus stops lie on the A688 Keverstone Bank which provide a limited service between Barnard Castle, Bishop Auckland and Darlington, operating Mondays to Saturdays. Whilst the development would lie within the desired maximum walk of 400m to bus stops, the existing access arrangement to these bus stops and the associated infrastructure is not ideal. To improve access, Raby Estates propose a comprehensive package of works including creating an area of hardstanding to the south bound stop, clearing existing vegetation to reveal existing steps and a path to the north bound service as well as creating a new ramped access and installing dropped kerbs. It is proposed that these works would be secured by condition.
82. In order to encourage non-car modes of transport the proposed plans show a number of cycle parking facilities to cater for both visitors and employees. The delivery of these is proposed to be secured by condition.
83. The submitted Travel Plan (TP) does not meet the required DCC standards therefore a condition is recommended to secure this in the event of an approval in accordance with Policy 21 of the CDP.
84. Policy 26 of the CDP expects developments to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities

for users. There are no public rights of way within or immediately adjacent to the development that would be expected to be impacted by these proposals.

85. Overall, it is recognised that this is an existing visitor attraction within a rural area. It is considered that the developer has taken opportunities where possible to improve accessibility to the site through means other than the private motor car in accordance with Policies 7, 21, 26 and 29 of the CDP and Paragraphs 84, 98, 103, 108 and 110 of the NPPF.

#### Highway Safety and Access

86. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Policy 10 (criteria q) sets out proposals should not be prejudicial to highway safety. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
87. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The Highways Authority is satisfied with the submitted TA and the conclusions reached by the transport consultant which indicate that the proposed development, including event day traffic, will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
88. Access and egress arrangements would remain as they are currently, with the primary access being off the A688 Keverstone Bank through North Lodge. There is a secondary access point at South Lodge, further to the south. The increased and formalised visitor parking provision is considered appropriate to accommodate the additional demand. Cycle parking provision and improved access to existing bus stops have been addressed in an earlier section of the report.
89. The Highway Authority raise no objection to the proposals. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Landscape and Visual Impact

90. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policies 7 and 10 expect proposals to respect the character of the countryside and must not give rise to unacceptable harm to heritage or the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated for. Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good

design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.

91. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies within the Northern Tees Vale: Staindrop & Ingleton Broad Character Area which belongs to the Lowland Vale Broad Landscape Type. The site lies within the parklands of Raby Castle. Part of the site is made up of a complex of ornamental and productive gardens, stables, coach house and associated buildings and spaces which sits in open parkland to the north of the castle, defined and enclosed by garden walls, tree belts and a ha-ha. The site includes an area of open parkland immediately north of this complex and a nursery plantation of conifers planted for Xmas trees to the north of that. The site lies within Raby Castle Park (Grade II\*) which is identified on Historic England's Register of Parks and Gardens of Special Historic Interest in England. Land to the west is identified as Raby Castle Estate and Designed Parkland on the County Durham Local List of Historic Parks, Gardens and Designed Landscapes (2020). The site also lies within an Area of Higher Landscape Value (AHLV). The site is not prominent in the wider landscape due to the nature of the terrain and the relatively high level of tree cover. Parts of the site are visible from a short section of the adjacent A688 near North Lodge.
92. The proposal would entail the loss of a number of trees of varying value. The rationale for tree removal is set out in the Landscape Design and Access Statement. In the majority of cases the trees are to be removed because of their poor quality and/or low life expectancy, their proximity to buildings; their impact on key historic views, or the construction of the play area, visitor centre and associated infrastructure. In some cases they are to be removed primarily to accommodate the new design of garden and other spaces. Whilst the loss of some trees, particularly the large copper beech, is regrettable the issue has been carefully considered in the design process and a balanced judgement has to be made about the removal/retention of individual trees. Having regard to the substantial landscape proposals, it is considered sufficient mitigation would take place therefore neither the Council's Arboricultural nor Landscape Officers raise any objection to this element of the scheme.
93. A new crossing of the ha-ha is proposed to access a service yard to the High Vinery. This would be a localised intervention and has been detailed in such a way as to be to be in keeping with the existing character of that boundary.
94. The Council's Landscape Officer considers that within the gardens and the ancillary areas contained within the ha-ha, the effects of the proposals would be substantial and beneficial. The re-design of the walled gardens would be respectful of their more important existing features while increasing their quality and interest. The development of the High Vinery kitchen garden into a terraced garden with restored views towards the castle would elevate a currently neglected area into an exceptionally attractive and functional garden space. The proposals for Duchess' walk would bring increased legibility and horticultural interest, the new visitor centre acting as a focus to the west. Proposals for the areas around other buildings such as the Riding School, Dutch Barn and Coach House would produce attractive and functional spaces enhancing their setting.
95. In the area north of the ha-ha, the development of a large coach and car parking area would have a more transformative and adverse impact. The visibility of the new infrastructure and parked vehicles would entail some harm in the short and medium term until hedges and tree planting were sufficiently well established to screen them. There would be some residual harm in the longer term in respect of the loss of openness in that part of the park, and the erosion of the legibility of the walled garden / stables

complex as a discrete and isolated unit within it, although the use of copses and internal tree planting will help assimilate the new parking areas in general views in a manner which is consistent with the wider character of the park. The harm is lessened to some degree by the removal of existing parking east of the gardens which is currently prominent from the principle approach.

96. The development of the play area in the north is likely to be relatively neutral in its effects. Some structures would be visible within the woodland canopy in some views. Provided that they were visually recessive and weren't allowed to become too prominent in key views of the walled gardens from the castle and its environs their impact could be relatively low and in keeping with the general character of the view. This is likely to be a dynamic situation as the plantation is young and actively growing, and play structures are likely to evolve over time.
97. Historic England have offered their support for the scheme. They consider the location for the new carpark with expanded provision is more preferable when compared to that of the existing which is more visible from the Castle and wider parkland. Boundary treatment and soft lighting would help to reduce any sense of intrusion. Whilst the Christmas tree plantation should help to screen the play area equipment it would not fully hide it so it is recommended that natural materials and recessive colours are used.
98. The Gardens Trust, whilst acknowledging the new carpark is in the most suitable location, recommend that there is additional peripheral planting to the ends of it to help better screen it. It is queried whether some elements of the play area will be seen above the tree canopies. Conditions are proposed in this regard as outlined in the following paragraph.
99. Details of hard and soft landscaping, in accordance with the principles established within the landscape masterplan, are required to be secured by condition in the event of an approval. Given the importance of some of the key mitigation measures in reducing some of the more harmful effects of the proposals it would be necessary to have them secured by condition and timescales for their delivery established. Conditions are also proposed to secure the details of the proposed play area and the future management of the plantation to ensure the development remains suitably screened within it. A sensitive lighting scheme would also be required.
100. Whilst there would be some harm arising from the development of the car park, albeit it reducing over time but with a residual element, this degree of harm upon the Grade II\* Raby Castle Park would be less than substantial in itself. The overall effect of the proposals on the significance of the park would be positive. There would be no significant effects on the locally designated Raby Castle Estate and Designated Parkland. There would also be some localised harm in the short/ medium term which would be offset by greater benefits to the landscape value of the site and its contribution to the wider AHLV. Taken in the round, the effects of the proposals are considered to be beneficial, with some localised harm to the character of the park offset by a substantial enhancement to the character and quality of the gardens. The proposed development is considered to be acceptable and in accordance with Policies 7, 10, 26, 29, 39 40 and 44 of the CDP or Parts 12 or 15 of the NPPF.

#### Heritage, Archaeology, Layout and Design

101. The site is located on land immediately to the north of Raby Castle (Grade I) and is largely set within an enclosure within the open parkland defined by the ha-ha. It contains a number of listed buildings, most notably the Stables and Coach House building (Grade II\*), the Dutch Barn (Grade II\*), Riding School (Grade II), the Walled Gardens (Grade II) and a cistern within the Walled Gardens (Grade II) in addition to some curtilage listed

buildings such as the conservatory and vinery. Staindrop Conservation Area lies within approximately 1.2km of the southern boundary of the site with Cockfield Conservation Area some 1.5km to the north.

102. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
103. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
104. With regard to listed buildings specifically, Policy 44 sets out that proposals will be expected to have respect for the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure; and the retention of the character and special interest of buildings when considering alternative viable uses. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
105. The applications are supported by detailed supporting documents many of which address heritage and design matters. Furthermore, Durham County Council's Design and Conservation Team has been working with the Estate and their appointed consultants to develop a conservation management plan (CMP) which identified the significance of the site and the capacity for change through the development of high level policies and principles. This document has been influential in shaping the current development proposals.
106. As stated previously, the Conservation Management Plan identifies the significance of the individual elements affected by this proposal and the value of the sum of the parts. This includes, buildings, structures, spaces, planting and the wider landscape. In summary, Raby Castle is one of the most significant and intact medieval Castles in the North East, set within a complete eighteenth-century deer park landscape and agricultural estate spanning much of Teesdale. Raby Castle is also significant as one of most substantial fortification sites in the county. Its completeness is of national significance, as a largely single-phase structure, with one twelfth century survival (Bulmer's Tower) and later eighteenth and nineteenth century infill and additions. The deer park associated with Raby Castle is an intact example of similar landscapes which survive nationally, and illustrates the activity of medieval nobility, which continue to have a powerful influence on English landscapes today. The landscaped parkland of the mid-eighteenth century visible at Raby Castle today is Registered as a park and garden of

special interest. The medieval Castle, Registered parkland and Walled Garden area form a highly significant group for their evidential, historical and aesthetic value. Each structure informs an understanding of its surroundings and should not be read in isolation. The landscaped park within which each structure is set is also significant, with historic routes, tree planting, designed views and ancient features all contributing to an understanding of how the Estate was used in the past.

107. The following section identifies each building, structure or landscape designation affected by the current proposals, outlines their significance, the works proposed and the impact the proposal will have on such significance. Whilst having the capacity to affect the setting of numerous designated and non-designated assets, new build development is a relatively small proportion of these proposals and is covered predominantly by the new visitor centre, the vinery café which incorporates curtilage listed structures, extensive new parking and the play and food and beverage offer to the north of the park. The design quality of these elements and their impact is also assessed in this section.

#### *Raby Castle (Grade I)*

108. One of the guiding principles in developing the current proposals was to undertake no work which would harm the setting of the castle as the principal asset. It is considered that the scheme strengthens and reinforces the visual link between the castle and the application site and reinstates some elements which have been lost from the southern slopes of the walled garden which were clearly developed to be seen and admired from certain parts of the castle complex. The relocation of the car park enhances the sense of arrival and appreciation of critical emerging and controlled views of the castle as the park is crossed. Overall, the impact on the castle, although outside the application site is considered to be wholly positive.

#### *The Coach House and Stable Building (Grade II\*)*

109. The Coach House and Stable building was designed by John Carr, c1780, an architect and practice of great prestige. The structure is of high significance despite its conversion to restaurant/café, retail and WC purposes as it retains most of the original fittings. In terms of evidential value, the original plan form is largely retained, the principal modifications being allied to its evolving use for different carriages, other wheeled estate vehicles, and, at the end, motor cars, which also express historical value. This building retains much of the intended grandeur and presence in the landscape. The ochre and white limewash are bright and distinctive, of high aesthetic significance when seen from the Castle Gateway. This view, as well as those along the front of the building from the east, and from Duchess's Walk, is important. Overall, the structure is of high significance.
110. The Coach House will remain much as at present, although the emphasis of the use will change, to focus more on interpretation and education, with some supporting retail use. The alterations will comprise altering existing openings in the north wall of the centre block to facilitate connection to the Riding School and other buildings behind, and the insertion of inner glazed doors (which have already been fitted in some openings). The upper floors to the pavilions will be updated to give accommodation to visiting staff, which is a new iteration of their historic use as groom's accommodation. The Centre Block upper floor will continue in use for office and storage purposes.
111. The Coach House is largely in use and will remain very much in the same form, so the proposals focus alterations on those parts of the building which have been changed before and allow for the reversal of some earlier alterations. The alterations do not, therefore, cause harm to the significance of the buildings as they stand. They also bring

parts of the building which are currently unoccupied back into beneficial use. The impact of the current proposals are positive in terms of fabric, uses and access.

### *The Riding School (Grade II)*

112. The Riding School building has been historically attributed to the architect John Carr, though this is not substantiated by the estate plans, nor by the architectural detailing, and a date in 1830s is more likely. As a building type, riding schools are a rarity, and the proportions of this example are unusual, being longer and narrower (and probably also less useable as a result). The principal use would have been for the exercise of horses safely and away from bad weather. Its contribution to the setting is confined to defining the northern edge of the Duchess's Walk. Aside from the renewal of the roof coverings and the enlargement of the eastern door, and minor alterations at the west end, it is as first built, which enhances its historic and aesthetic significance. Overall, the structure is of medium significance.
113. The Riding School will function as a "stone marquee", to capitalise on its character as a large bare flexible space. Some alterations are necessary to facilitate this, in view of the number of people which the building can contain. The west end door will be enlarged, and new doors created in the location of existing windows in the middle of the long north and south walls, these openings line up with those described above in the Coach House and create an essential visitor circulation route. These works will require work to the stone masonry, with some effect on the historic character of the building. It is proposed that the present earth floor be replaced with a limecrete floor, which will include trenches for the future installation of electrical and heating services, and underfloor heating to allow for future upgrading without major upheaval. Other works include the addition of folding screens east and west of the central bay of the building to allow parts of the building to be used independently for functions or for interactive visitor experiences, and for the addition of rooflights to the roof to improve natural lighting.
114. The Riding School building is currently little used and there is no realistic case for its reversion to the historic use. The works proposed will allow for sustainable uses to be identified but as a result of securing functional uses and considerable flexibility for the large space some loss of fabric and change to appearance will be required. These changes internally will all be reversible. The changes will cause less than substantial harm to the historic significance of the Riding School which will be considerably outweighed by the public benefits of increasing access to a rare building typology and securing enhancements to the building fabric.

### *The Dutch Barn (Grade II\*)*

115. The Dutch Barn is very much as first built. It is a monumental structure which reveals the high value attached to the maintenance of an equestrian establishment. Of the highest significance and particularly sensitive to change are the external elevations and ashlar sandstone masonry which forms the arcaded structure, the queen post roof trusses and the Westmorland slate coverings with ridge vents. Of high significance and also sensitive to change are the three brick ventilation stacks and the corner bollards at the west end. Of neutral significance, neither contributing to nor detracting from the significance of the whole and therefore highly adaptable are the current rainwater drainage system and earth floor.
116. This building will be improved through the removal of the later floor structures in the eastern bay, and laying a drained floor surface, to allow activities to take place in the building. It will otherwise be untouched other than the installation of lighting and power at floor and at roof level, and general repairs.

117. The architectural interventions here are minimal, and are all intended to reverse previous unsatisfactory interventions and alterations, such as the floor at the eastern end, or the wrong kind of slate used in earlier repairs, or to make the building more usable through the laying of a usable floor surface where there presently is none. It is considered that all these alterations will provide a conservation benefit and will reinforce the historic character of the building. Although light touch proposals, they will allow the building to feature in the visitor experience for the first time adding a new dimension to the understanding of the architecture of the site.

*The Vinery Café (Curtilage listed)*

118. This element includes repair and adaptation of historic estate garden structures with the addition of substantial newbuild elements. The remaining structure consists of a linear single-storey range of outbuildings located on the northern side of the supporting wall which backed the glasshouse that is now proposed to be replaced with the new vinery café. The range is constructed in coursed squared rubble stone with a mono-pitch slate roof with end stacks. They were associated with the gardens and glasshouses on the south side of the wall. Several openings in the wall connect the outbuilding to the former glasshouse. Internally, the linear range is divided into several rooms, which include a boiler room.

119. As a curtilage listed structure, rather than listed in its own right, the Vinery building cannot be said to possess high significance; it does however reinforce the group value of the other structures and add to the understanding of the use of the site as a whole. The idea of a Vinery in this location and forming part of the northern boundary of the site is, perhaps, more important than the actual value of the standing remains. Reflecting the spirit of the former vinery structure in these development proposals is more important to understanding than retaining the remaining fragments. Evidence of the layout and design of this area of the site is available in documentary evidence and has informed current proposals.

120. Of high significance and sensitive to change is the main wall which formed the back part of the Vinery glasshouse, its height, continuous coping, return walls with integral chimney flues at each end. Likewise, the linear character of the rear lean-to building with its mass masonry structure and robust joinery, under a slate roof is valuable. Of secondary significance are the internal layout of the rear building. The remaining whitewashed surface finish helps the understanding of the former vinery, as does the remains of the heating stove, fireplace installations and other relics. Overall, they inform the observer of garden practices and the use of heated walls in cultivation.

121. The major part of this building has been lost since 1960s, with only the linear potting shed/bothy elements behind the main heated wall surviving above ground. These will be adapted and extended to provide kitchen and toilet accommodation for visitors. The existing structural walls, roof and openings will be largely retained. Joinery will be refurbished where it survives in serviceable condition, the significant elements of fabric and layout are enhanced by these proposals. By arranging the extension to continue the linear plan of the building, harm to the understanding of this structure will be minimised. The retention of these structures is welcomed, any prospect of demolition has been resisted and responded to positively.

122. The front part of the Vinery will be entirely new, inspired by the former Vinery glasshouse. It differs in plan form from the original and rather than being linear has a projecting central section to allow for functional effective operation. A fully glazed structure was initially considered but discounted given it is south facing which would have overheated without intrusive and unsustainable mechanical ventilation. Instead it is proposed to be covered in terne coated stainless steel, which would offer some

reflectance, would be lighter in appearance than a slate roof would be and it also allows for this element to be recognised as a respectful modern addition. Some rooflights have been incorporated into the short north facing slope to bring daylight to the back of the building. The construction of the Vinery café building in this location will be beneficial because it will bring the surviving rear structures back into use; enhance the understanding of the layout and purpose of the High Garden which is thought to have been a productive rather than decorative garden through the reinstatement of a building in the historic Vinery's location, and provide essential visitor facilities to support the overall use of the site in a location near the point of arrival.

123. Associated with the implementation of this new use are the service and delivery arrangements. To access the new service yard, vehicles will pass over a new bridge across the ha-ha. Scaled and engineered to accommodate a modest delivery van, the bridge will be formed in stone, culverted to allow the continuation of the ha-ha and surfaced in tarmac (transitioning to porous tarmac in the service yard). At the point where the bridge meets the ha-ha new simple timber gates are proposed, finished in black paint. The gates will be flanked with short sections of stone walling to match the stone and coursing of the ha-ha wall. Estate railing to match that on the ha-ha wall will continue along each side of the bridge. Evergreen understorey planting in the tree belt will continue the screening effect of the gates and walls. Site investigations show that only one tree will be required to be removed to form the new bridge and service yard. This approach will ensure servicing is well contained, is essentially back of house and whilst subtle it will also introduce a new elegant structure across the ha-ha leaving a modern engineered intervention as a result. This continues the history of functional alterations in the area as practices have changed over years.

#### *The Conservatory (Grade II listed, with the Garden Walls)*

124. The conservatory and associated structures have been much changed since the date of first construction. The remaining glasshouse structure is assembled from the best parts of a larger building which had deteriorated to a point at which it had to be taken down. The supporting walls have been rebuilt to support the rebuilt central bay. The C19th plinth walls have been left in situ and additional structures placed behind to form large high planting beds, behind these are large pergolas which use the column positions of the conservatory wings. All of these works were done in c1980.
125. The proposals will return the building close to its original size, following radical reduction in 1980-81. The present pergola will be lost, and the garden walls which were altered at the same time will be returned to their former alignment. Some parts of the original mid-nineteenth conservatory survive and will be re-used in the rebuilt structure, which will be to the same design details as the original and built of painted timber. The existing potting sheds to the north of the conservatory, which are currently used as stores and mess accommodation will be re-used as kitchen and WC space to serve the proposed use of the conservatory for high class table-service catering. It is considered that these proposals, which substantially reinstate a partly lost structure of historic interest, will be a benefit and enhancement to the site with no harmful impact on its significance.

#### *The Garden Walls and other Listed Structures (Grade II)*

126. The garden walls are in general of brickwork under a stone coping. There are three sections to the garden, all facing downhill towards the south. The south wall, which runs continuously to enclose the south side of all three gardens is laid out on a curve to follow a water course, with a terrace in between. At the centre is a gateway with an ornamental stone-dressed gable over and an iron gate within. West of this is the Fig House. The east wall is offset at the northern end to accommodate the Hunting Stables with a reworked door in the south end. The west wall is similar (without the Hunting Stables),

again with a door at the south end. The gardener's cottage is built against the northern end of this wall. This cottage is listed separately at Grade II and has recently been refurbished. The north wall is of varied appearance. This may be a result of the various glasshouses which have been built against it at various times.

127. The garden walls enclose three separate gardens, arranged east west along the south facing slope. No alterations are proposed except the rebuilding of some parts at the north-west edge of the central garden, where the Conservatory is being put back and the formation of two new openings in the centre of the dividing walls between the central garden and those to each side. These openings will enable step free access to the middle of the Central garden. Whilst this alteration does harm the integrity and the completeness of the enclosure provided by the walls, the submitted information suggests that this is less than substantial harm, is partly mitigated by the works to put back parts of the wall previously cut back when the conservatory was reduced in 1980-81, and offers the public benefit of improved step-free access to the central garden, which also incorporates the most amount of historic planting. Whilst there is a loss of fabric and integrity this is considered to be a reasonable conclusion in the round.
128. There is a separately listed Lead Cistern (Grade II) in the garden, dated 1746 and brought to site from elsewhere, it is suggested around 1926. Only the front is thought to be original. It is intended that this be relocated to be above a proposed pond against the north wall of the central garden, where it will be at the head of a system of water features running down the slope. This is considered to be a more appropriate location which better reveals the significance of the structure.

*The Raff Yard, Bull House and Adjoining Shed (Curtilage listed)*

129. These two buildings are linked to the Stables east of the Dutch Barn and are considered to be curtilage listed. They are considered in the conservation management plan to be of low to detrimental value, with some value within the Raff Yard composition of buildings and possessing major capacity for change. It is noted that these buildings could accommodate "those services that would have an unduly harmful impact on significance elsewhere". Other buildings along the northern edge of the Raff Yard are also curtilage listed, though not directly attached to any listed building. These too present opportunities for new uses as they are considered in the CMP to have low significance and to offer major capacity for change. These buildings therefore offer capacity for change which does not affect the setting of higher status buildings adjacent.
130. The Bull House and adjoining shed are both currently used for informal storage. Externally, they have been maintained to a basic level to maintain a degree of water tightness. The Bull House abuts the stable block to the east and faces west itself, there are two black-painted windows above a top-hung sliding door on this elevation. The other external walls to this building are of rubble stone. The adjoining shed has an enclosed space behind hinged "garage" doors at the northern end, and two further open-sided bays to the south of this. Construction is squared rubble stone under a slated roof, with a hip to the northern ends and a gable to the south
131. The linear range attached to the north of the Raff Yard complex is single-storey, with mono-pitched roofs of slate, which steps down from left to right, responding to the gentle slope. There are three chimney stacks to the ridges. The range is now largely redundant and used for storage including historic carts and agricultural vehicles.
132. Following the production of an energy study for the estate and extensive debate with the LPA it was accepted that the location of buildings around Raff Yard provided the most appropriate location for support energy and heating services for the wider development. The key issue was establishing that new flues would not be unduly

prominent in approach from circulation routes. The location of the new flues to the west of the Bull House has achieved this objective. Using the buildings to the north of Raff Yard for similar purposes can also be achieved either by utilising existing flues or replicating those which exist. Raff yard had historically been a service location and these proposals continue this approach without harm to the appearance of the host buildings or the setting of those surrounding them.

#### *Registered Park and Garden (Grade II\*)*

133. The application site lies entirely within the Grade II\* Registered Park and Garden as designated by Historic England. The impact on this designation has been assessed in earlier sections of the report.

#### *Raby Castle Estate & Designed Parkland - Local List of Historic Parks, Gardens and Designed Landscape*

134. Raby Castle Estate and Designed Parkland is a larger area of the Castle Estate which adjoins the area contained in the statutory register in which the application site is situated. This locally listed designation is considered to be a non-designated heritage asset. Where proposed works require planning permission, the significance of the locally listed site will be a 'material consideration' in determining the application. In this case it is considered that there will be no direct or indirect impact on the locally listed landscape.

#### *Staindrop Conservation Area*

135. Given the scale of the development, the distance from the conservation area, the intervening landscape and topography there will be no impact on the setting of the conservation area.

#### *The Visitor Centre*

136. The most substantial standalone newbuild intervention is the new visitor orientation centre. It contains part of a stone garden wall, which has been partially dismantled to the west of the Coach House. There is a change in ground level of some 3-400mm between the north and south sides of the wall. South of the wall, a modern glass house replaces earlier structures. The present structure is functionally useful but otherwise detrimental on aesthetic grounds, there are also other remnants of older structures which are of limited, if any significance. North of the wall the area is grassed with some bushes, forming a widening at the western end of the Duchess's Walk.

137. It is considered that this space holds limited significance within the RCPG complex and in relation to the wider Park and Estate. Since its establishment as a distinct space in the early eighteenth century, it has always been a back of house area, providing ancillary facilities to service the formal Walled Gardens. The initial CMP noted that this area represents a large space of limited significance with major potential for improvement and could accommodate the introduction of new structures if required.

138. The proposed building draws on structures on the wider estate for its form and whilst distinct, emphasises its connectedness to the Raby Estate by the choice of materials with a Westmorland slate roof and columns finished in ochre and white limewash, which will match the Coach House front elevation. A wing to the south side of the retained wall will be finished in the same wall materials though the roof will have a terne coated stainless steel finish, like the Vinery café. The glazing for the doors and windows will be to the same pattern as that to the Riding School inner doors. Overall, the new building will be recognisable as "of Raby" but will be an elegant, restrained and well detailed

modern addition which meets the architectural achievements of past generations. No harm has been identified.

### *Car Park*

139. Impacts arising from the development have been addressed in earlier sections of report therefore comments here relate to location and impact on setting. The new car park is proposed to the north of the area enclosed by the ha-ha, thereby ending the parking of cars on the grass area to the south of the entrance drive. By no longer parking cars in this area, a key view of the castle on arrival will be greatly improved, particularly during autumn, winter and early spring when the trees along the northern edge of the cricket pitch are not in leaf.
140. The location for the new car park has been chosen to minimise its visibility from the south, and in particular from the castle. A strong tree belt and under storey planting also visually separate the car parking from the individual assets, this is further reinforced by new perimeter planting to the parking areas. Overall, the improvement to the sense of arrival by relocating car parking will be considerable and the new location chosen and the way in which this is handled will ensure there is no harm to setting.

### *Landscape Masterplan*

141. Whilst the landscape approach has been discussed in earlier sections of the report it is considered that in a heritage context the master planning exercise has achieved an exceptionally well detailed, holistic approach to improving the spaces and linkages between the historic buildings. Hard and soft landscaping are influenced by the history of the site but will provide contemporary, engaging, high quality and discreet environments from which to enjoy the new visitor offer.

### *Play Area*

142. The new play area facilities are proposed to be located in a plantation of spruce to the north of the proposed carpark, on the site of a former estate plant. The submitted design and access statement suggests that desire and sight lines will be carefully managed within the area so as to maximise play value yet minimise the visual and physical impact by working with the existing natural paths within the actively managed woodland and utilising the height of the trees to mask the vertical mass of the structures. Only a select few are proposed to pierce the tree line, clad in carefully selected natural materials including cedar shingles and weathered timber.
143. Two small timber buildings are proposed within this area comprising of a small-scale catering outlet and timber clad toilet. A wooded path through the carpark will lead to the existing wrought iron gates that will mark the transition into the playground over the existing swale. The gates and railings will be the subject of repair and refurbishment which will provide an additional conservation benefit.
144. These proposals utilise what is probably the only available site to accommodate such a scale of play provision without any heritage harm. Conditions would be required to secure the detailed design of this element of the proposals so as to ensure the historic environment can be adequately protected from any adverse impact.
145. Historic England support these applications. Overall, they consider that the proposals would considerably enhance the historic environment of Raby through investing in its spaces and buildings and facilitating increased appreciation of them. This is achieved in a sensitive and creative way that not only conserves but adds a new layer to the estate. The proposals are considered a good example of sustainable development as

defined within the National Planning Policy Framework (NPPF) for the way it would increase economic activity through the sympathetic use of built and natural heritage. This is reflected in paragraph 192 of the NPPF which considers the value of heritage to economic and social well-being.

146. The Council's Design and Conservation Officer comments that these proposals offer a unique and comprehensive, once in a generation opportunity to restore and repurpose one of the most significant sections of the Raby Estate, increasing public access to the heritage and contributing to the visitor economy of the County. They consider the proposal to be exceptionally well researched, carefully considered and sensitive to the significance of each component part delivering a scheme which will leave the estate in a substantially improved position on completion. The proposals are considered to be policy compliant and any minor harm to significance is considerably outweighed by the public benefits associated with the proposals. On this basis full support is given to the approval of these applications subject to securing further detail by condition, to ensure that the promised quality is delivered.
147. Policy 44 of the CDP outlines that great weight will be given to the conservation of all designated assets and their settings. Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
148. Some minor harm to the significance of designated heritage assets has been identified as outlined earlier in the report. On balance, it is considered that any potential harm to the character, appearance and significance of the assets has been significantly reduced by the form and quality of development proposed whilst increasing public access to the buildings, securing enhancements to the building fabric and the proposals would represent the optimal viable use of the assets consistent with their conservation. In the context of the both the CDP and the NPPF, the harm to the designated heritage assets in the round is considered to be less than substantial. Whilst some less than substantial harm has been identified to some of the assets, the scheme also includes a number of positive impacts to others including the reversal of some earlier unsatisfactory interventions and alterations, introducing new iterations of historic uses and reinstating a partly lost structure of historic interest. The development proposals contribute positively to the built and historic environment, enhance and better reveal the significance and understanding of heritage assets at the same time as improving access to them. Accordingly, it is considered that the minor harm identified is outweighed by the benefits of the scheme as a whole. The proposals accord with Policy 44 of the CDP in this regard.
149. An archaeological evaluation report has been submitted in support of this application including the results of a trial trench evaluation which has confirmed the presence of remains from the former WWII camp on site. The heritage assessment which has also been submitted identifies some areas of archaeological potential. The impact of the development can be mitigated through a small excavation in the area of the car park and watching briefs to monitor works in the gardens. On the basis that conditions are imposed to secure this archaeological programme of works and reporting and achieving thereafter, the Council's Archaeologist raises no objection. The conditions also address the concerns raised by The Garden Trust who advise they will not object to the scheme provided satisfactory archaeological investigation is undertaken prior to works

commencing. The proposal is therefore considered to comply with Policy 44 of the CDP and Paragraph 189 of the NPPF.

### Amenity of Adjacent Land Users

150. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
151. The development is removed from sensitive receptors, with the nearest residential properties being within RCPG and occupied by staff of the estate. It is not expected that noise or odour from the development would impact on these associated residential uses. Notwithstanding this, given the scale of the food production proposed it would be beneficial to impose a condition requiring extraction details to be agreed to allow both consideration in relation to potential impacts to amenity as well as ensuring the proposal is sensitivity designed.
152. There is the potential for disturbance during the construction period, therefore, a construction management plan should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and conditions would be imposed to mitigate any significant adverse impacts.
153. Similarly, Environment, Health and Consumer Protection consider that the development will not have a significant effect on air quality and there is no requirement to undertake further assessment. They raise no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition. As such, there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 181 of the NPPF.
154. The proposal also includes the installation of a Combined Heat and Power (CHP) unit. The applicant is required to complete the Defra CHP Emissions screening tool to allow for consideration in terms of air quality threshold levels which will also demonstrate adherence with the Clean Air Act 1993 in relation to chimney height approval. Whilst these requirements are the subject of separate legislation, the outcome of these assessments have the potential to impact on the chimney height. Given the sensitivities of the site a condition is proposed to secure the final details of this.
155. The development would not lead to a significant reduction in the level of amenity experienced by adjacent land users, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

### Ecology

156. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
157. An Ecological Appraisal has been submitted in support of the proposal and outlines that the development is not predicted to have any impacts on statutorily or non-statutorily

designated sites. Bat surveys identified several day roosts within a number of buildings on site as well as a maternity roost. The buildings may also support a small number of breeding birds. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended). Opportunities also exist for roosting barn owl in some buildings although none were recorded during the bat and bird breeding surveys. Habitats within the site are also suitable for hare, hedgehog and common toad although no evidence of these species were recorded during the field survey. These are all priority species. No other protected or priority species are likely to be affected by the proposals. None of the hedgerows are important hedgerows as defined under the Hedgerows Regulations 1997.

158. Natural England has the statutory responsibility under the Conservation of Habitats and Species Regulations 2017 to deal with any licence applications for works affecting European Protected Species. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the Local Planning Authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
159. To compensate for the potential impacts to bats and their habitat, where possible, identified roosts will remain in situ. Mitigation will be provided in the form of bat boxes and features within the building, sensitive timing of works to avoid the hibernation period, a sensitive lighting scheme would be conditioned and remaining buildings that have no confirmed bat roosts will be undertaken to a cautionary Method Statement to address the low residential risk that bats may be present. The developer would not be able to undertake works to buildings 1, 2, 3, 4, 7, 9, 10 and 11 (as identified within the Ecological Appraisal) until obtaining the relevant Natural England Licence with all works thereafter taking place in strict accordance with the condition of the licence.
160. Having regard to the Habitats Regulations and derogation tests it is considered that i) It is in the public interest that the development scheme can be implemented to deliver associated economic, environmental and social benefits; ii) and therefore there is no satisfactory alternative in the context of this development; iii) the proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. It is therefore considered that Natural England would be likely to grant a license. Accordingly, the LPA can discharge its duties under the Habitats Regulations.
161. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application. The overall landscape strategy approach includes some limited onsite works, in addition to proposed ecological enhancement works at Laundry Clump an area within 500m of the proposed development. Overall, this would achieve a net gain of 10.7% therefore according with the policy requirements of emerging CDP and Paragraph 175 of the NPPF. A detailed habitat creation and management document, including a monitoring strategy, for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Conservation Act 1981.
162. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

## Flooding and Drainage

163. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
164. The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving with some land drainage, filter drainage, gullies and rill channels. Some areas of the site will discharge to an existing channel running along the western Ha-Ha or drained via a pipe system, to the watercourse on the southern edge of the development at a restricted rate or by the use of cellular storage tanks/crate systems. Additionally, the carparks and coach park will be drained through Class 1 petrol interceptors with a downstream defender to treat surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance with the Council's adopted SuDS Adoption Guide. Northumbrian Water advise that they have no comments to make. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
165. In relation to foul water, as there is no public foul sewer near to the site, the existing arrangements are discharged to a private septic tank. For the new flows generated by this development it is proposed to use a new foul water package plant appropriately sized to meet the new visitor requirements. As this is a major development proposal proposing the use of non-main drainage, the Environment Agency is a statutory consultee. They have assessed the submitted information and can advise they have no objection to the scheme, however, note a permit under the Environmental Permitting Regulations 2016 will be required. This will be brought to the developer's attention by way of an informative.
166. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Contamination and Land Stability

167. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
168. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this and an informative relating to unforeseen contamination would

ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.

169. The site does not lie within the defined high risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy GD1, Policy 32 of the emerging CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

#### Other Considerations

170. Policy 29 of the CDP sets out that major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. In view of the policy wording, the requirement to achieve BREEAM standard only relates to new build elements of the scheme. The construction of the new visitor centre is the only new build element of the scheme and as the floor area falls under 1,000m<sup>2</sup> the requirements of this policy are not applicable to this application.
171. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would require the applicant to enter into a S.39 Agreement to secure the long-term management and maintenance of the biodiversity land. This obligation is considered to meet the required tests.
172. The proposal has generated limited public interest, with only two letters of objection having been received. The objections raised in relation to highways have been addressed within earlier sections of the report.
173. The objections raised during this application have been fully taken into account however ultimately the concerns raised are not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and the requirement for the applicant to enter into an agreement under S39 of The Wildlife and Countryside Act 1981 (as amended).

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## **CONCLUSION**

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174. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). The expansion of an existing visitor attraction and the conversion of existing buildings would draw support in principle from both Policies 7 and 10 of the CDP, however, the overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies.
175. It has been identified that there would be some harm arising from the development of the car park, albeit it reducing over time but with a residual element, with the impact to

the Grade II\* Raby Castle Park being less than substantial. The overall effect of the proposals on the significance of the park would be positive. There would be no significant effects on the locally designated Raby Castle Estate and Designated Parkland. There would also be some localised harm to the AHLV in the short/ medium term which would be offset by greater benefits to the landscape value of the site and its contribution to the wider designation. Taken in the round, the effects of the proposals are considered to be beneficial, with some localised harm to the character of the park offset by a substantial enhancement to the character and quality of the gardens. Overall, the proposals are considered to be in accordance with Policies 7, 10, 26, 29, 39, 40 and 44 of the CDP and Parts 12 and 15 of the NPPF.

176. Some minor harm to the significance of designated heritage assets has been identified as outlined earlier in the report. In the context of the both the CDP and the NPPF, the harm to the designated heritage assets in the round is considered to be less than substantial. As a result, both Policy 44 of the CDP and Paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
177. Great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. This harm must be given considerable weight and importance by the decision-maker in accordance with Section 66 of the LBA and the NPPF. Whilst there will undoubtedly some alterations/loss of fabric to the Riding School and Walled Garden this harm will be considerably outweighed by the public benefits of increasing access to a rare building typology, securing enhancements to the building fabric and reinstating sections previously cut back and offering step free access. The impacts to the Grade II\* Raby Castle Park have been detailed above.
178. Substantial public benefits to the historic environment would arise through increased public access to the buildings and heritage, securing enhancements to their fabric and represent the optimal viable use of the assets consistent with their conservation helping to secure their long-term future. The proposals are considered to have been exceptionally well researched, carefully considered and sensitive to the significance of each component part delivering a scheme which will leave the estate in a substantially improved position on completion.
179. The total combined cost of the RCPG masterplan, including both heritage and tourism items, is expected to cost in the region of £12 - £14m. It would result in significant economic and tourism rated benefits including job creation and additional expenditure benefits in the area.
180. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
181. It would secure improved access to and infrastructure at the 2no. bus stops adjacent to the development which the public would benefit from as a whole.
182. Based upon the ecological works proposed, it is considered that the development should lead to 10% net gains in terms of biodiversity.
183. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to designated heritage assets having regards to Policy 44 of the CDP and Paragraph 196 of the NPPF.

184. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed obligations and contributions are considered to be in accordance with these tests.

185. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).

186. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

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## **RECOMMENDATION**

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That application DM/20/01183/FPA be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a Section 39 Legal Agreement to secure the long-term management and maintenance of the biodiversity land, prior to the commencement of the development.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Red Line Boundary Plan (Location Plan) received 12/05/2020

Drg. no. 00-2000 Rev. 0 General Arrangement: As Proposed Ground Floor Plan received 12/05/2020

Drg. no. 00-2001 Rev. 0 General Arrangement: As Proposed Roof Plan received 12/05/2020

Drg. no. 01-2000 Rev. 1 Vinery Ground Floor Plan Proposed received 12/05/2020

Drg. no. 01-2001 Rev. 1 Vinery Roof Plan Proposed received 12/05/2020

Drg. no. 01-2100 Rev. 0 Vinery Short Section Proposed received 12/05/2020

Drg. no. 01-2200 Rev. 0 Vinery North and South Elevations Proposed received 12/05/2020

Drg. no. 01-2201 Rev. 0 Vinery East and West Elevations Proposed received 12/05/2020

Drg. no. 01-5000 Rev. 0 Vinery Ground Floor Plan Demolition received 12/05/2020

Drg. no. 01-5001 Rev. 0 Vinery Roof Plan Demolition received 12/05/2020

Drg. no. 01-5100 Rev. 0 Vinery Short Section Demolition received 12/05/2020

Drg. no. 01-5101 Rev. 0 Vinery Long Section Demolition received 12/05/2020

Drg. no. 01-5100 Rev. 0 Vinery Demolition North and South Elevations received  
12/05/2020

Drg. no. 01-5101 Rev. 0 Vinery Demolition East and West Elevations received  
12/05/2020

Drg. no. 02-2000 Rev. 1 Visitor Centre Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 02-2001 Rev. 1 Visitor Centre Roof Plan Proposed received 12/05/2020

Drg. no. 02-2100 Rev. 0 Visitor Centre Short Section Proposed received 12/05/2020

Drg. no. 02-2101 Rev. 0 Visitor Centre Long Section Proposed received 12/05/2020

Drg. no. 02-2200 Rev. 0 Visitor Centre South Elevation Proposed received 12/05/2020

Drg. no. 02-2201 Rev. 0 Visitor Centre North Elevation Proposed received 12/05/2020

Drg. no. 02-2202 Rev. 0 Visitor Centre East Elevation Proposed received 12/05/2020

Drg. no. 02-2203 Rev. 0 Visitor Centre West Elevation Proposed received 12/05/2020

Drg. no. 02-2400 Rev. 0 Visitor Centre Reflected Ceiling Plan Proposed received  
12/05/2020

Drg. no. 02-5000 Rev. 0 Visitor Centre Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 03-2000 Rev. 1 Coach House Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 03-2001 Rev. 0 Coach House First Floor Plan Proposed received 12/05/2020

Drg. no. 03-2002 Rev. 1 Coach House Roof Plan Proposed received 12/05/2020

Drg. no. 03-2100 Rev. 0 Coach House Long Section Proposed received 12/05/2020

Drg. no. 03-2101 Rev. 0 Coach House Short Section AA Proposed received 12/05/2020

Drg. no. 03-2102 Rev. 0 Coach House Short Section BB Proposed received 12/05/2020

Drg. no. 03-2103 Rev. 1 Coach House Short Section CC Proposed received 12/05/2020

Drg. no. 03-2200 Rev. 0 Coach House South Elevations Proposed received 12/05/2020

Drg. no. 03-2201 Rev. 1 Rev. 0 Coach House North Elevations Proposed received  
12/05/2020

Drg. no. 03-2202 Rev. 0 Coach House East and West Elevations Proposed received  
12/05/2020

Drg. no. 03-3100 Rev. 0 Coach House Centre Block South Internal Door Elevation  
Proposed received 12/05/2020

Drg. no. 03-3101 Rev. 0 Coach House Centre Block North Internal Door Elevation  
Proposed received 12/05/2020

Drg. no. 03-5000 Rev. 0 Coach House Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 03-5001 Rev. 0 Coach House First Floor Plan Demolition received 12/05/2020

Drg. no. 03-5002 Rev. 0 Coach House Roof Plan Demolition received 12/05/2020

Drg. no. 03-5100 Rev. 0 Coach House Long Section Demolition received 12/05/2020

Drg. no. 03-5101 Rev. 0 Coach House Short Section Demolition received 12/05/2020

Drg. no. 03-5200 Rev. 0 Coach House South Elevations Demolition received  
12/05/2020

Drg. no. 03-5201 Rev. 0 Coach House North Elevations Demolition received 12/05/2020

Drg. no. 03-5202 Rev. 0 Coach House East and West Elevations Demolition received  
12/05/2020

Drg. no. 04-2000 Rev. 1 Riding School Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 04-2001 Rev. 1 Riding School Roof Plan Proposed received 12/05/2020

Drg. no. 04-2100 Rev. 0 Riding School Long Section Proposed received 12/05/2020

Drg. no. 04-2101 Rev. 1 Riding School Short Section Proposed West End received  
12/05/2020

Drg. no. 04-2102 Rev. 1 Riding School Short Section Proposed Lobby received  
12/05/2020

Drg. no. 04-2103 Rev. 1 Riding School Short Section Proposed received 12/05/2020

Drg. no. 04-2104 Rev. 0 Riding School Short Section Proposed East End received 12/05/2020

Drg. no. 04-2200 Rev. 0 Riding School South Elevation Proposed received 12/05/2020

Drg. no. 04-2201 Rev. 1 Riding School North Elevation Proposed received 12/05/2020

Drg. no. 04-2202 Rev. 0 Riding School East Elevation Proposed received 12/05/2020

Drg. no. 04-2203 Rev. 0 Riding School West Elevation Proposed received 12/05/2020

Drg. no. 04-3100 Rev. 0 Riding School Typical New Opening Detail received 12/05/2020

Drg. no. 04-3101 Rev. 0 Riding School East Opening Detail received 12/05/2020

Drg. no. 04-3102 Rev. 0 Riding School West Opening Detail received 12/05/2020

Drg. no. 04-5000 Rev. 0 Riding School Ground Floor Plan Demolition received 12/05/2020

Drg. no. 04-5001 Rev. 0 Riding School Roof Plan Demolition received 12/05/2020

Drg. no. 04-5100 Rev. 0 Riding School Long Section Demolition received 12/05/2020

Drg. no. 04-5101 Rev. 0 Riding School Short Section Demolition received 12/05/2020

Drg. no. 04-5200 Rev. 0 Riding School South Elevations Demolition received 12/05/2020

Drg. no. 04-5201 Rev. 0 Riding School North Elevations Demolition received 12/05/2020

Drg. no. 04-5202 Rev. 0 Riding School East Elevations Demolition received 12/05/2020

Drg. no. 04-5203 Rev. 0 Riding School West Elevations Demolition received 12/05/2020

Drg. no. 05-2000 Rev. 1 Dutch Barn Ground Floor Plan Proposed received 12/05/2020

Drg. no. 05-2001 Rev. 1 Dutch Barn Roof Plan Proposed received 12/05/2020

Drg. no. 05-2100 Rev. 0 Dutch Barn Long Section Proposed received 12/05/2020

Drg. no. 05-2101 Rev. 0 Dutch Barn Short Section Proposed received 12/05/2020

Drg. no. 05-2200 Rev. 0 Dutch Barn South Elevation Proposed received 12/05/2020

Drg. no. 05-2201 Rev. 0 Dutch Barn North Elevation Proposed received 12/05/2020

Drg. no. 05-2202 Rev. 0 Dutch Barn West Elevation Proposed received 12/05/2020

Drg. no. 05-5000 Rev. 0 Dutch Barn Ground Floor Plan Demolition received 12/05/2020

Drg. no. 05-5001 Rev. 0 Dutch Barn Roof Plan Demolition received 12/05/2020

Drg. no. 05-5100 Rev. 0 Dutch Barn Long Section Demolition received 12/05/2020

Drg. no. 05-5101 Rev. 0 Dutch Barn Short Section Demolition received 12/05/2020

Drg. no. 05-5200 Rev. 0 Dutch Barn Elevations Demolition received 12/05/2020

Drg. no. 06-2000 Rev. 1 Conservatory Ground Floor Plan Proposed received 12/05/2020

Drg. no. 06-2001 Rev. 1 Conservatory Roof Plan Proposed received 12/05/2020

Drg. no. 06-2100 Rev. 0 Conservatory Short Section Proposed received 12/05/2020

Drg. no. 06-2200 Rev. 0 Conservatory South Elevation Proposed received 12/05/2020

Drg. no. 06-2201 Rev. 0 Conservatory North Elevation Proposed received 12/05/2020

Drg. no. 06-2202 Rev. 0 Conservatory East Elevation Proposed received 12/05/2020

Drg. no. 06-2203 Rev. 0 Conservatory West Elevation Proposed received 12/05/2020

Drg. no. 06-5000 Rev. 0 Conservatory Ground Floor Plan Demolition received 12/05/2020

Drg. no. 06-5001 Rev. 0 Conservatory Roof Plan Demolition received 12/05/2020

Drg. no. 06-5100 Rev. 0 Conservatory Short Section Demolition received 12/05/2020

Drg. no. 06-5101 Rev. 0 Conservatory Long Section Demolition received 12/05/2020

Drg. no. 06-5200 Rev. 0 Conservatory South Elevation Demolition received 12/05/2020

Drg. no. 06-5201 Rev. 0 Conservatory North Elevation Demolition received 12/05/2020

Drg. no. 06-5202 Rev. 0 Conservatory East Elevation Demolition received 12/05/2020

Drg. no. 06-5203 Rev. 0 Conservatory West Elevation Demolition received 12/05/2020

Drg. no. 07-2000 Rev. 1 Bull House and Shed Ground Floor Plan Proposed received 12/05/2020

Drg. no. 07-2001 Rev. A Bull House and Shed Roof Plan Proposed 200 received 12/05/2020  
Drg. no. 07-2100 Rev. 1 Bull House and Shed Long Section Proposed received 12/05/2020  
Drg. no. 07-2101 Rev. 1 Bull House and Shed Bull House Sections Proposed received 12/05/2020  
Drg. no. 07-2102 Rev. 1 Bull House and Shed Sections Proposed received 12/05/2020  
Drg. no. 07-2200 Rev. 1 Bull House and Shed West Elevations Proposed received 12/05/2020  
Drg. no. 07-2201 Rev. 1 Bull House and Shed North Elevations Proposed received 12/05/2020  
Drg. no. 07-5000 Rev. 0 Bull House and Shed Ground Floor Plan Demolition received 12/05/2020  
Drg. no. 07-5001 Rev. 0 Bull House and Shed Roof Plan Demolition received 12/05/2020  
Drg. no. 07-5100 Rev. 0 Bull House and Shed Sections Demolition received 12/05/2020  
Drg. no. 07-5200 Rev. 0 Bull House and Shed Elevations Demolition received 12/05/2020

Drg. no. 461\_000\_001 Rev. A Walled Garden Masterplan received 12/05/2020  
Drg. no. 461\_010\_001 Rev. A Formal Garden Plan received 12/05/2020  
Drg. no. 461\_010\_002 Rev. A Pleasure Garden Plan received 12/05/2020  
Drg. no. 461\_010\_003 Rev. A Productive Garden Plan received 12/05/2020  
Drg. no. 461\_020\_001 Rev. B Cross Sections received 12/05/2020  
Drg. no. 461\_030\_001 Rev. A New Openings in Inner Wall received 12/05/2020  
Drg. no. 461\_030\_002 Rev. A New Pergola, Formal Garden received 12/05/2020  
Drg. no. 461\_030\_003 Rev. A New Greenhouse received 12/05/2020  
Drg. no. 461\_030\_004 Rev. Green Step Detail received 12/05/2020

Drg. no. AWB118-L01 Rev. B Landscape Masterplan received 29/07/2020  
Drg. no. AWB118-L06 Rev. A Trees to be retained and removed received 12/05/2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 10, 21, 26, 29, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. Development is to take place in accordance with the approved phasing plan drg. no. RRDP01 (Raby Rising Delivery Phasing Plan). For the purposes of this permission all references to a “phase” shall be interpreted as being a reference to a phase or part thereof as defined on the phasing plan pursuant to this condition.

*Reason: To ensure the co-ordinated progression of the development and the provision of relevant infrastructure to each individual phase.*

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

5. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

*Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

6. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Policy 44 of the County Durham Plan and Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

7. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

8. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

9. No development and no works to trees shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the approved details and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.*

10. No development, other than site remediation works, shall commence for the relevant phase of development until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

a) Samples of all roofing materials;

- b) A sample panel of the proposed materials to be used in the construction of any external surface of the development shall be constructed on site for the inspection of an officer of the Local Planning Authority;
- c) Joinery details at a scale of 1:20 for all doors and windows;
- d) Details of all rainwater goods;
- e) Rooflight details at a scale of 1:20
- f) Details of all heads, cills and window surrounds;
- g) Details of the colour finish of all external timber work;
- h) A specification and samples of all render finishes, including colour.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

11. No development, other than site remediation works, shall commence for the relevant phase of development until the details of the surface treatment and construction of all hard-surfaced areas have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

12. No development, other than site remediation works, shall commence for the relevant phase of development until details of all means of enclosure have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

13. No development, other than site remediation works, shall commence for the relevant phase of development until a detailed landscaping scheme, which should follow the parameters set out in drg. no. AWB118-L01 Rev. B (landscape masterplan), has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention, including any pruning, gapping up and management works.
- Groundworks including finished levels of areas of cut and fill and specification for any imported soils and ameliorants, including details of any temporary topsoil and subsoil storage provision and any land and surface drainage.
- Hard landscaping including layout, finished levels, materials, and specifications.
- Soft landscaping including layout, planting species, planting stock sizes, densities and/or numbers.
- Planting specifications including ground preparation, tree pits, irrigation systems, plant supports and plant protection.
- Turfing, seeding and bulb or wildflower planting including specifications for cultivation, fertilisers, seed or planting mixes, and sowing or planting rates and procedures.
- Establishment maintenance, including watering, weed control, monitoring and replacement of dead, diseased or damaged plants and removal of guards, ties and stakes.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

14. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. Prior to the first use of the development hereby approved, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

16. No development, other than site remediation works, shall commence until a scheme of works to facilitate improved access and infrastructure to the existing bus stops off the A688 Keverstone Bank adjacent to the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first use of the development.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

17. No development, other than site remediation works, shall commence until a scheme for cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first use of the development.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

18. No development, other than site remediation works, shall commence until a lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall set out the overall approach to all forms of lighting within the development and will provide the parameters for detailed lighting schemes to be devised. No external lighting shall be erected within the relevant phase of development until a detailed lighting scheme has been submitted to and approved by the Local Planning Authority. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To better reveal the significance of the historic environment, to ensure retained habitat is protected and to conserve protected species in accordance in accordance with Policies 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.*

19. No development, other than site remediation works, shall commence until a M&E strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall set out the overall approach to all forms of mechanical and electrical installations including all service installations, ventilation, security, IT infrastructure and lighting. No works shall be undertaken within the relevant phase of development until a detailed approach for M&E installations has been submitted to and approved by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure the historic environment is protected in accordance in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.*

20. No development works in relation to the provision of the Vinery Café and Conservatory shall commence until detailed submissions on the location and design of any plant, ventilation and extraction equipment for each unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

*Reason: In the interests of defining the consent, visual amenity, noise and odour issues having regards to Policies 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.*

21. Prior to the first use of the development an advertisement and signage strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall provide the design parameters for future advertisements to be erected within the development.

*Reason: In the interests of visual amenity having regards to Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the NPPF.*

22. Prior to works commencing on the CHP unit, final details of the chimney heights shall be submitted to and approved in writing by the Local Planning Authority. The chimneys shall be constructed in accordance with the approved plans.

*Reason: In the interests of visual amenity having regards to Policy 44 of the County Durham Plan and Parts 12 and 16 of the NPPF.*

23. Prior to works commencing on the play area (as identified by drg. no. AWB118-L01 Rev. B), a detailed scheme for the play area shall be submitted to and agreed in writing with the Local Planning Authority. As minimum the scheme shall include accurate plan based details of the following:

- Detailed plans, elevations and sections of the play equipment.
- Existing and proposed site levels.
- The ticketing building
- The food and beverage building.
- The toilet block.
- Tree removal and protection details.
- Details of all materials to be used.
- The requirement for any associated utilities, services and infrastructure.

The scheme shall be completed in accordance with the approved details prior to the play area first coming into use.

*Reason: In the interests of visual amenity having regards to Policies 29 and 44 of the County Durham Plan and Parts 7 and 12 of the NPPF.*

24. Prior to works commencing on the play area (as identified by drg. no. AWB118-L01 Rev. B), a management strategy for the plantation of spruce shall be submitted to and agreed in writing with the Local Planning Authority. The approved strategy shall set out how the plantation will be managed so as to ensure the play structures remain visually recessive. The approved strategy shall be implemented for the lifetime of the development.

*Reason: To ensure the effective management of the plantation so as to help screen the play area development in the interests of visual amenity and ensuring no adverse impact to heritage assets having regards to Policies 29, 39, 40 and 44 of the County Durham Plan and Parts 7, 12, 15 and 16 of the NPPF.*

25. The development shall be carried out in accordance with the drainage scheme detailed in the following documents and plans;
- Flood Risk Assessment and Surface Water Drainage Strategy report no. 003 (Issue 3) Wardell Armstrong dated April 2020
  - Technical Note - Job Ref NT14337/TN008 Issue 2 – 3<sup>rd</sup> August 2020
  - Technical Note Enclosures referred to in the document.
  - Technical Note, Raby Castle – Outline Maintenance Schedule Ref: NT14337/TN010 Issue 2 dated 3 August 2020
  - Technical Note, Raby Castle – Outline Method Statement Ref: NT14337/TN009 Issue 1 dated 3 August 2020
  - Appendix 1 – Ref: Car Parks Water Quality – NT14337
  - Appendix 1 – Ref: Coach Parks Water Quality – NT14337

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

26. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

27. The development shall be carried out in accordance with the recommendations outlined within Section G of the Ecological Appraisal Rev. R05 dated April 2020 and Section H of the Bat Survey Rev. R03 dated November 2020 by E3 Ecology Ltd.

*Reason: In the interests of ensuring no protected species are affected by the development in accordance Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

28. The development shall be carried out in accordance with the Landscape, Design and Access Statement dated April 2020 by Alastair W. Baldwin.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

That application DM/20/01184/LB be **APPROVED** subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

*Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Red Line Boundary Plan (Location Plan) received 12/05/2020

Drg. no. 00-2000 Rev. 0 General Arrangement: As Proposed Ground Floor Plan received 12/05/2020

Drg. no. 00-2001 Rev. 0 General Arrangement: As Proposed Roof Plan received 12/05/2020

Drg. no. 01-2000 Rev. 1 Vinery Ground Floor Plan Proposed received 12/05/2020

Drg. no. 01-2001 Rev. 1 Vinery Roof Plan Proposed received 12/05/2020

Drg. no. 01-2100 Rev. 0 Vinery Short Section Proposed received 12/05/2020

Drg. no. 01-2200 Rev. 0 Vinery North and South Elevations Proposed received 12/05/2020

Drg. no. 01-2201 Rev. 0 Vinery East and West Elevations Proposed received 12/05/2020

Drg. no. 01-5000 Rev. 0 Vinery Ground Floor Plan Demolition received 12/05/2020

Drg. no. 01-5001 Rev. 0 Vinery Roof Plan Demolition received 12/05/2020

Drg. no. 01-5100 Rev. 0 Vinery Short Section Demolition received 12/05/2020

Drg. no. 01-5101 Rev. 0 Vinery Long Section Demolition received 12/05/2020

Drg. no. 01-5100 Rev. 0 Vinery Demolition North and South Elevations received 12/05/2020

Drg. no. 01-5101 Rev. 0 Vinery Demolition East and West Elevations received 12/05/2020

Drg. no. 02-2000 Rev. 1 Visitor Centre Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 02-2001 Rev. 1 Visitor Centre Roof Plan Proposed received 12/05/2020

Drg. no. 02-2100 Rev. 0 Visitor Centre Short Section Proposed received 12/05/2020

Drg. no. 02-2101 Rev. 0 Visitor Centre Long Section Proposed received 12/05/2020

Drg. no. 02-2200 Rev. 0 Visitor Centre South Elevation Proposed received 12/05/2020

Drg. no. 02-2201 Rev. 0 Visitor Centre North Elevation Proposed received 12/05/2020

Drg. no. 02-2202 Rev. 0 Visitor Centre East Elevation Proposed received 12/05/2020

Drg. no. 02-2203 Rev. 0 Visitor Centre West Elevation Proposed received 12/05/2020

Drg. no. 02-2400 Rev. 0 Visitor Centre Reflected Ceiling Plan Proposed received  
12/05/2020

Drg. no. 02-5000 Rev. 0 Visitor Centre Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 03-2000 Rev. 1 Coach House Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 03-2001 Rev. 0 Coach House First Floor Plan Proposed received 12/05/2020

Drg. no. 03-2002 Rev. 1 Coach House Roof Plan Proposed received 12/05/2020

Drg. no. 03-2100 Rev. 0 Coach House Long Section Proposed received 12/05/2020

Drg. no. 03-2101 Rev. 0 Coach House Short Section AA Proposed received  
12/05/2020

Drg. no. 03-2102 Rev. 0 Coach House Short Section BB Proposed received  
12/05/2020

Drg. no. 03-2103 Rev. 1 Coach House Short Section CC Proposed received  
12/05/2020

Drg. no. 03-2200 Rev. 0 Coach House South Elevations Proposed received  
12/05/2020

Drg. no. 03-2201 Rev. 1 Rev. 0 Coach House North Elevations Proposed received  
12/05/2020

Drg. no. 03-2202 Rev. 0 Coach House East and West Elevations Proposed received  
12/05/2020

Drg. no. 03-3100 Rev. 0 Coach House Centre Block South Internal Door Elevation  
Proposed received 12/05/2020

Drg. no. 03-3101 Rev. 0 Coach House Centre Block North Internal Door Elevation  
Proposed received 12/05/2020

Drg. no. 03-5000 Rev. 0 Coach House Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 03-5001 Rev. 0 Coach House First Floor Plan Demolition received  
12/05/2020

Drg. no. 03-5002 Rev. 0 Coach House Roof Plan Demolition received 12/05/2020

Drg. no. 03-5100 Rev. 0 Coach House Long Section Demolition received 12/05/2020

Drg. no. 03-5101 Rev. 0 Coach House Short Section Demolition received 12/05/2020

Drg. no. 03-5200 Rev. 0 Coach House South Elevations Demolition received  
12/05/2020

Drg. no. 03-5201 Rev. 0 Coach House North Elevations Demolition received  
12/05/2020

Drg. no. 03-5202 Rev. 0 Coach House East and West Elevations Demolition received  
12/05/2020

Drg. no. 04-2000 Rev. 1 Riding School Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 04-2001 Rev. 1 Riding School Roof Plan Proposed received 12/05/2020

Drg. no. 04-2100 Rev. 0 Riding School Long Section Proposed received 12/05/2020

Drg. no. 04-2101 Rev. 1 Riding School Short Section Proposed West End received  
12/05/2020

Drg. no. 04-2102 Rev. 1 Riding School Short Section Proposed Lobby received  
12/05/2020

Drg. no. 04-2103 Rev. 1 Riding School Short Section Proposed Screen received  
12/05/2020

Drg. no. 04-2104 Rev. 0 Riding School Short Section Proposed East End received  
12/05/2020

Drg. no. 04-2200 Rev. 0 Riding School South Elevation Proposed received  
12/05/2020

Drg. no. 04-2201 Rev. 1 Riding School North Elevation Proposed received 12/05/2020

Drg. no. 04-2202 Rev. 0 Riding School East Elevation Proposed received 12/05/2020

Drg. no. 04-2203 Rev. 0 Riding School West Elevation Proposed received 12/05/2020

Drg. no. 04-3100 Rev. 0 Riding School Typical New Opening Detail received  
12/05/2020

Drg. no. 04-3101 Rev. 0 Riding School East Opening Detail received 12/05/2020

Drg. no. 04-3102 Rev. 0 Riding School West Opening Detail received 12/05/2020

Drg. no. 04-5000 Rev. 0 Riding School Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 04-5001 Rev. 0 Riding School Roof Plan Demolition received 12/05/2020

Drg. no. 04-5100 Rev. 0 Riding School Long Section Demolition received 12/05/2020

Drg. no. 04-5101 Rev. 0 Riding School Short Section Demolition received 12/05/2020

Drg. no. 04-5200 Rev. 0 Riding School South Elevations Demolition received  
12/05/2020

Drg. no. 04-5201 Rev. 0 Riding School North Elevations Demolition received  
12/05/2020

Drg. no. 04-5202 Rev. 0 Riding School East Elevations Demolition received  
12/05/2020

Drg. no. 04-5203 Rev. 0 Riding School West Elevations Demolition received  
12/05/2020

Drg. no. 05-2000 Rev. 1 Dutch Barn Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 05-2001 Rev. 1 Dutch Barn Roof Plan Proposed received 12/05/2020

Drg. no. 05-2100 Rev. 0 Dutch Barn Long Section Proposed received 12/05/2020

Drg. no. 05-2101 Rev. 0 Dutch Barn Short Section Proposed received 12/05/2020

Drg. no. 05-2200 Rev. 0 Dutch Barn South Elevation Proposed received 12/05/2020

Drg. no. 05-2201 Rev. 0 Dutch Barn North Elevation Proposed received 12/05/2020

Drg. no. 05-2202 Rev. 0 Dutch Barn West Elevation Proposed received 12/05/2020

Drg. no. 05-5000 Rev. 0 Dutch Barn Ground Floor Plan Demolition received  
12/05/2020

Drg. no. 05-5001 Rev. 0 Dutch Barn Roof Plan Demolition received 12/05/2020

Drg. no. 05-5100 Rev. 0 Dutch Barn Long Section Demolition received 12/05/2020

Drg. no. 05-5101 Rev. 0 Dutch Barn Short Section Demolition received 12/05/2020

Drg. no. 05-5200 Rev. 0 Dutch Barn Elevations Demolition received 12/05/2020

Drg. no. 06-2000 Rev. 1 Conservatory Ground Floor Plan Proposed received  
12/05/2020

Drg. no. 06-2001 Rev. 1 Conservatory Roof Plan Proposed received 12/05/2020

Drg. no. 06-2100 Rev. 0 Conservatory Short Section Proposed received 12/05/2020

Drg. no. 06-2200 Rev. 0 Conservatory South Elevation Proposed received 12/05/2020

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Drg. no. 06-5000 Rev. 0 Conservatory Ground Floor Plan Demolition received  
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Drg. no. 06-5100 Rev. 0 Conservatory Short Section Demolition received 12/05/2020

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Drg. no. 06-5200 Rev. 0 Conservatory South Elevation Demolition received 12/05/2020  
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Drg. no. 06-5202 Rev. 0 Conservatory East Elevation Demolition received 12/05/2020  
Drg. no. 06-5203 Rev. 0 Conservatory West Elevation Demolition received 12/05/2020

Drg. no. 07-2000 Rev. 1 Bull House and Shed Ground Floor Plan Proposed received 12/05/2020  
Drg. no. 07-2001 Rev. A Bull House and Shed Roof Plan Proposed 200 received 12/05/2020  
Drg. no. 07-2100 Rev. 1 Bull House and Shed Long Section Proposed received 12/05/2020  
Drg. no. 07-2101 Rev. 1 Bull House and Shed Bull House Sections Proposed received 12/05/2020  
Drg. no. 07-2102 Rev. 1 Bull House and Shed Sections Proposed received 12/05/2020  
Drg. no. 07-2200 Rev. 1 Bull House and Shed West Elevations Proposed received 12/05/2020  
Drg. no. 07-2201 Rev. 1 Bull House and Shed North Elevations Proposed received 12/05/2020  
Drg. no. 07-5000 Rev. 0 Bull House and Shed Ground Floor Plan Demolition received 12/05/2020  
Drg. no. 07-5001 Rev. 0 Bull House and Shed Roof Plan Demolition received 12/05/2020  
Drg. no. 07-5100 Rev. 0 Bull House and Shed Sections Demolition received 12/05/2020  
Drg. no. 07-5200 Rev. 0 Bull House and Shed Elevations Demolition received 12/05/2020

Drg. no. 461\_000\_001 Rev. A Walled Garden Masterplan received 12/05/2020  
Drg. no. 461\_010\_001 Rev. A Formal Garden Plan received 12/05/2020  
Drg. no. 461\_010\_002 Rev. A Pleasure Garden Plan received 12/05/2020  
Drg. no. 461\_010\_003 Rev. A Productive Garden Plan received 12/05/2020  
Drg. no. 461\_020\_001 Rev. B Cross Sections received 12/05/2020  
Drg. no. 461\_030\_001 Rev. A New Openings in Inner Wall received 12/05/2020  
Drg. no. 461\_030\_002 Rev. A New Pergola, Formal Garden received 12/05/2020  
Drg. no. 461\_030\_003 Rev. A New Greenhouse received 12/05/2020  
Drg. no. 461\_030\_004 Rev. Green Step Detail received 12/05/2020

Drg. no. AWB118-L01 Rev. B Landscape Masterplan received 29/07/2020  
Drg. no. AWB118-L06 Rev. A Trees to be retained and removed received 12/05/2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 10, 21, 26, 29, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No development, other than site remediation works, shall commence for the relevant phase of development until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
  - a) Samples of all roofing materials;

- b) A sample panel of the proposed materials to be used in the construction of any external surface of the development shall be constructed on site for the inspection of an officer of the Local Planning Authority;
- c) Joinery details at a scale of 1:20 for all doors and windows;
- d) Details of all rainwater goods;
- e) Rooflight details at a scale of 1:20
- f) Details of all heads, cills and window surrounds;
- g) Details of the colour finish of all external timber work;
- h) A specification and samples of all render finishes, including colour.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

- 4. No development, other than site remediation works, shall commence for the relevant phase of development until the details of the surface treatment and construction of all hard-surfaced areas have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

- 5. No development, other than site remediation works, shall commence for the relevant phase of development until details of all means of enclosure have been submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

- 6. No development, other than site remediation works, shall commence for the relevant phase of development until a detailed landscaping scheme, which should follow the parameters set out in drg. no. AWB118-L01 Rev. B (landscape masterplan), has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention, including any pruning, gapping up and management works.
- Groundworks including finished levels of areas of cut and fill and specification for any imported soils and ameliorants, including details of any temporary topsoil and subsoil storage provision and any land and surface drainage.
- Hard landscaping including layout, finished levels, materials, and specifications.
- Soft landscaping including layout, planting species, planting stock sizes, densities and/or numbers.
- Planting specifications including ground preparation, tree pits, irrigation systems, plant supports and plant protection.
- Turfing, seeding and bulb or wildflower planting including specifications for cultivation, fertilisers, seed or planting mixes, and sowing or planting rates and procedures.
- Establishment maintenance, including watering, weed control, monitoring and replacement of dead, diseased or damaged plants and removal of guards, ties and stakes.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. No development, other than site remediation works, shall commence until a scheme for cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first use of the development.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

8. No development, other than site remediation works, shall commence until a lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall set out the overall approach to all forms of lighting within the development and will provide the parameters for detailed lighting schemes to be devised. No external lighting shall be erected within the relevant phase of development until a detailed lighting scheme has been submitted to and approved by the Local Planning Authority. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To better reveal the significance of the historic environment, to ensure retained habitat is protected and to conserve protected species in accordance in accordance with Policies 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.*

9. No development, other than site remediation works, shall commence until a M&E strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall set out the overall approach to all forms of mechanical and electrical installations including all service installations, ventilation, security, IT infrastructure and lighting. No works shall be undertaken within the relevant phase of development until a detailed approach for M&E installations has been submitted to and approved by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure the historic environment is protected in accordance in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.*

10. No development works in relation to the provision of the Vinery Café and Conservatory shall commence until detailed submissions on the location and design of any plant, ventilation and extraction equipment for each unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

*Reason: In the interests of defining the consent, visual amenity, noise and odour issues having regards to Policies 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.*

11. Prior to works commencing on the CHP unit, final details of the chimney heights shall be submitted to and approved in writing by the Local Planning Authority. The chimneys shall be constructed in accordance with the approved plans.

*Reason: In the interests of visual amenity having regards to Policy 44 of the County Durham Plan and Parts 12 and 16 of the NPPF.*

12. Prior to works commencing on the play area (as identified by drg. no. AWB118-L01 Rev. B), a detailed scheme for the play area shall be submitted to and agreed in writing with the Local Planning Authority. As minimum the scheme shall include accurate plan based details of the following:

- Detailed plans, elevations and sections of the play equipment.
- Existing and proposed site levels.
- The ticketing building
- The food and beverage building.
- The toilet block.
- Tree removal and protection details.
- Details of all materials to be used.
- The requirement for any associated utilities, services and infrastructure.

The scheme shall be completed in accordance with the approved details prior to the play area first coming into use.

*Reason: In the interests of visual amenity having regards to Policies 29 and 44 of the County Durham Plan and Parts 7 and 12 of the NPPF.*

13. The development shall be carried out in accordance with the Landscape, Design and Access Statement dated April 2020 by Alastair W. Baldwin.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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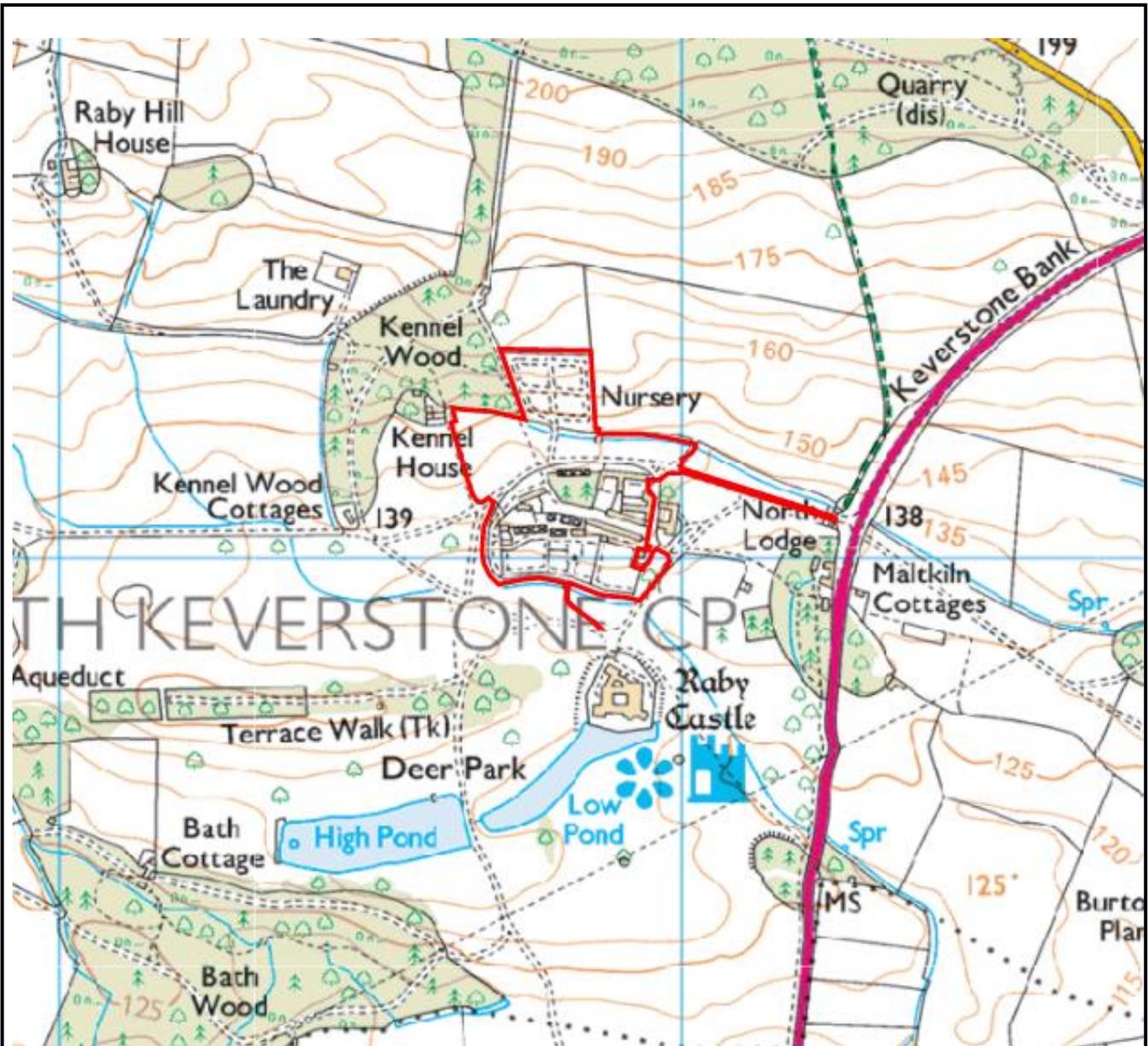
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- Durham Tourism Management Plan (2016-2020)



**Planning Services**

DM/20/01183/FPA - Repurposing of existing buildings for mixed tourism, leisure and educational uses, formation of a new car park, creation of play facilities, erection of new visitor arrival building and vinery cafe, works to Walled Garden and associated infrastructure and landscaping  
 DM/20/01184/LB - Refurbishment and alterations to Riding School (UID 1121778); Dutch Barn (UID 1121777); Stables and Coach House (List UID 1121776); Garden Walls (UID 1121780); and Cistern in Walled Garden (1310785)  
 Raby Castle, Raby Park, Staindrop, Bishop Auckland, DL2 3AH

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**Comments**

**Date** 1<sup>st</sup> December 2020

**Scale** Not to Scale

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