



## County Planning Committee

**Date** Tuesday 2 March 2021  
**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 1 December 2020 (Pages 3 - 28)
5. Applications to be determined
  - a) DM/19/03766/WAS - Hill Top Farm, Winston, Darlington, County Durham, DL2 3RR (Pages 29 - 76)  
Retention of existing building for permanent use as plasterboard recycling facility and retention of existing bund.
  - b) DM/20/03070/OUT - Land to the North of Darlington Road, Barnard Castle, DL12 8QG (Pages 77 - 104)  
Residential development of up to 100 units (outline with all matters reserved apart from access).
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  
22 February 2021

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 in **Remote Meeting - This meeting is being held remotely via Microsoft Teams on Tuesday 1 December 2020 at 9.30 am**

**Present:**

**Councillor J Robinson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, J Clare, K Corrigan, A Hopgood, I Jewell, A Laing, G Richardson, F Tinsley (Vice-Chair), M Wilkes and S Wilson

**Apologies:**

Apologies for absence were received from Councillor(s) A Bell, K Hawley, A Shield and J Shuttleworth

The Chair advised that a request to change the order of business had been put forward by Councillor Richardson. It was seconded by Councillor M Wilkes and the Committee resolved to hear the applications in the following order; 5a) 5d) 5b) and 5c)

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, K Hawley, A Shield and A Simpson.

**2 Substitute Members**

Councillor A Hopgood was present as substitute for Councillor A Simpson.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes of the meeting held on 3 November 2020**

**5** The minutes of the meeting held on 3 November 2020 were agreed as a correct record to be signed by the Chair.

## **6 DM/20/01846/FPA - Land At Aykley Heads Durham DH1 5UQ**

The Committee considered a report of the Senior Planning Officer with regards to a hybrid planning application comprising detailed planning application for an office block 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 at Aykley Heads, Durham (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photographs of the site and photographs of the site and plans showing the proposed site layout. The Senior Planning updated the Committee that since the publication of the committee report that further comment had been received from Sport England maintaining their previous objection to the proposed development following the receipt of further information.

He also advised that he considered that an additional planning condition be attached to any permission that a car parking management and enforcement plan be secured across the whole site, in addition to the existing proposed condition securing this in relation to Plot C. He also recommended an alteration to the wording of Condition 2 in order to extend the floorspace restriction to all non-office town centre uses in addition to A1 retail floorspace. He also advised that the time limit for the submission of Reserved Matters set out in Condition 22 be extended from 3 years to 15 years, in line with the phasing timeframe set out within the application.

Councillor J Ashby spoke on behalf of the City of Durham Parish Council and confirmed that they supported the principle of the Aykley Heads development which had been confirmed this by allocating the site in their Neighbourhood Plan and the Parish Council welcomed any steps that might offer up to 4,000 high-quality jobs for County Durham. The Masterplan phasing would enable periodic reviews of the longer-term changes in work practices following COVID-19 and the need for home working.

Many of the issues raised at the time the application had been submitted had been settled by the formal adoption of the County Durham Plan. The Parish Council were pleased that the Council had issued a Decision Statement on the Neighbourhood Plan, clearing it for the referendum to be held.

The Parish Council did not agree with the way that some of the Neighbourhood Plan policies had been presented in the report, particularly that Policy T1 of the Neighbourhood Plan had been brushed aside despite very substantial parts of the policy having been left in place by the Examiner,

for example, the need to propose improvements to walking, cycling and public transport in the area around the development, and stipulations regarding design and priority for different modes within the site. This was a highly important set of requirements and a serious omission to have disregarded Policy T1.

Councillor Ashby confirmed that the Parish Council representations were with regards to sustainable travel, zero-carbon aspirations, high-quality design standards, and impacts on the Green Belt. He advised that the City of Durham Trust would address the issues relating to the Area of Higher Landscape Value and World Heritage Site with comments that were fully endorsed by the Parish Council.

Councillor Ashby continued that the Parish Council was concerned with the document provided by consultants setting out responses to objections as it had consisted almost entirely of repeated statements taken from the documents to which the objections were made. He asked Members to place no reliance on it when determining the application.

A further concern was the inclusion of several ancillary uses that the County Plan Inspector had struck out of Policy E3, deleting the paragraph that had sought to justify them and had judged that in principle they were town centre uses.

Councillor Ashby confirmed that the Parish Council strongly supported the condition which proposed to limit the retail ancillary use to 400 square metres of floorspace in total and the protection of Framwellgate Moor local centre and Durham city centre should be added to the justification for Condition 2. Policy 9 only controlled the size of retail developments, so the Parish Council considered that a new condition was needed requiring the Masterplan to ensure that all the other non-B1 uses were of an appropriate small scale.

The Parish Council supported all of the other conditions that were proposed in the report and the application could be supported if it were to include the proposed conditions and the suggested amendments from the City of Durham Trust. Should they not be accepted, Councillor Ashby suggested that the application be refused as it conflicted with County Durham Plan Policies 3, 9, 21, 22, 29, 39, 44 and 45 and Durham City Neighbourhood Plan Policies E1, H1, H2 and T1.

Councillor L Brown, Local Member confirmed that she welcomed any employment in the area following the COVID-19 pandemic however she was worried by this application. She considered it may have been rushed through after the Government had announced 9 billion pounds available for projects that could meet an associated timescale. When the project had first been discussed Councillors had been told that the applications would be phased

through as several detailed applications and therefore she was surprised to see it as one hybrid application.

Councillor Brown suggested that in the race to get the application part funded, the Council had not factored in the impact that COVID-19 and working from home would have for generations to come. She did not consider there to be a need for such a large area of office space that may never be filled on one of the main routes into Durham. She was concerned about the ancillary uses that may be used to fill the space which would be to the detriment of Durham City and the Arnison Centre.

Councillor Brown was disappointed by the plans to build on the Green Belt to the south of the site. The outline development for two 4 storey office blocks (Plot A) was within the sight lines of a World Heritage Site - Durham Cathedral and Durham Castle, and most of the reservations from herself and residents were centred on two areas, sustainability and traffic problems.

Councillor Brown questioned why a County which was looking to be carbon neutral in thirty years, had a seven and a half storey car park within the outline plans and asked why there were no bus and cycle routes within the site. She had also hoped to see Park and Ride bus stops within the development alongside dedicated bus lanes and cycle routes.

She continued that sustainable energy sources had not been mentioned in the detailed application and in her opinion the Council should have started with the detailed application for Plot C and then continued putting in applications based on how the latest recession played out.

Councillor Brown confirmed that she had called the application before the Committee so that they could consider imposing conditions that would make the application acceptable to residents. Officers had already placed some conditions on the approval and the City of Durham Parish Council had suggested more. She particularly welcomed the suggestion that all non B1 space be curtailed to protect the nearby city centre.

Councillor Brown wanted the Committee to consider Conditions 16,17 18 and 19 and emphasise public and active transport which would go some way towards alleviating the fears of residents. It would be good to have a travel plan to adhere to, as others in the area had not been. She queried the possibility of imposing a condition that required developers to put money towards developing cycle lanes in the area.

Councillor Brown hoped that all of the development on this site would be carbon neutral with sustainable features built in, and although this was not a perfect development, it could be one that Durham could be proud of.

The Senior Planning Officer responded that Policy T1 of the City of Durham Neighbourhood Plan had not been disregarded, and the issues raised with regards to the provision of various modes of transport had been set out in the report. He continued that this could be addressed at reserved matters as the level of detail required had not yet been submitted. There was no reason that this could not be incorporated into reserved matters submissions and accord with the policy. He also clarified that Policy T1 could be afforded significant weight except where the Neighbourhood Plan Examiner had recommended amendments to the policy wording.

With regards to Councillor Browns concerns, the Senior Planning Officer confirmed that although a portion of the site was within the green belt, Policy 3 of the County Durham Plan included provision to remove that part of the site from the green belt and therefore only a very small part of the site would remain, and no built development was proposed in this area.

The Senior Planning Officer responded to suggestions on sustainable transport and confirmed that cycle routes and improved pedestrian routes could be incorporated in the overall strategy as it developed – again under reserved matters. He advised that the Highways Officer did not believe the benefits of bus routes within the site would be significant as it would make journeys longer for other users and potentially discourage them from using the service. It had been acknowledged that the site was immediately adjacent to a road with transport links across the County and the majority of the site was within 400m of a bus stop.

The Senior Planning Officer confirmed that Plot C did not meet all the requirements of the County Durham Plan Policy with regards to green credentials, however there was scope to ensure that the application as a whole would be developed to a 'very good' BREEAM standard and had been conditioned as such.

The Councils Solicitor addressed the additional condition that had been suggested by Councillor Brown and advised that requiring a developer to pay money for cycling lanes was not something the Council could lawfully impose.

Mr Hurlow addressed the Committee on behalf of the City of Durham Trust and confirmed that they were obliged to object to the application in its present form as they believed comments from a range of local, professional and experienced members of the Trust, other organisations and the wider public had been dismissed by the Council.

The Trust considered there to be inadequacies in the Heritage Impact Assessment and when considering the strategic importance of the site, ICOMOS Guidance required an exemplary development that would be at the

forefront of sustainability. Mr Harlow suggested that the only way of improving this application would be to impose more stringent conditions or refuse it. All County Durham Plan policies should have been applied to ensure adequate continuing democratic scrutiny.

Mr Harlow confirmed that the Trust sought a number of conditions. With regards to Design code, the information submitted did not constitute a full and coherent Design Code for the outline application and this should be required to include the full range of sustainability needs.

With regards to Sustainable Transport, the Trust believed that a more demanding Travel Plan, off-site improvements for walking and cycling access, an on-site path network plan and a detailed disabled accessibility assessment, and provision for bus access into the site and a subsidised service, were required.

With regards to Sustainable Energy, Mr Harlow suggested that a BREEAM excellence standard was required to use of the best of current heating generation, as well as 50% electric vehicle charging points and separate storage and collection of recyclable waste.

The Trust believed that to sustain the Landscape and Heritage environment, a more detailed analysis was required to include community input and conformation to ICOMOS standards. He continued that height constraints should be applied to Plot C and in the Design Code to avoid penetration of the green areas of the World Heritage Site inner setting and ensure that the impact would be less than that of the current County Hall. If penetration was essential, there should be mitigating design and building 'greening' to merge this into the backdrop.

With regards to the Green Belt and Landscaping, the Trust suggested a requirement of detailed analysis of the relationship of Plot A South to the adjacent Green Belt and its boundary and an assessment of the impact and mitigation landscaping. As there was limited space for tree planting, realistic estimates were needed of the timescale and effectiveness of screening value and advance tree planting was required for all plots except C.

The Highway Development Manager confirmed that the B6532 carried 3 bus stops south and north bound which were served by 8 services including the park and ride at Sniperley and travel to Consett, Newcastle and South Shields. Most of the site was within 400m of a bus stop, so it was deemed to be one of the better supplied sites for public transport. With regards to sustainability, there was a condition on parking control within the site, which promoted sustainable transport use and he did not consider it necessary to insist on 50% electric charge points as most charging was believed to take place at a place of residence and most journeys were under five miles so did

not require on site charge points. He considered that internal links within the development could be provided for pedestrians and cyclists and there were external links around the development.

The Senior Planning Officer responded that many of the suggestions raised by the Trust went beyond what was required within planning policy. In determining the acceptability of the proposal - although BREEAM Excellence would be admirable, a BREEAM rating of 'very good' was all that was required by policy and therefore that was the standard the Planning Authority had to hold the Applicant to. With regards to electric charging points he advised that 50% was significantly more than what was set out in the Councils adopted parking standards and it would have been unreasonable to require provision beyond that.

The Senior Planning Officer responded to comments regarding impacts upon heritage assets and the World Heritage Site, and advised that the application was accompanied by detailed analysis, including a Heritage Visual Impact Assessment. Both Historic England and the Councils Design and Conservation Officers had agreed with the conclusion that the harm of the development would be less than substantial. The work undertaken so far provided a reasonable assessment of the heritage impact but further consideration would require specific design information which had not yet been submitted, however it would be considered at the reserved matters stage. He also advised that the comments relating to concerns raised by ICOMOS were in relation to another development proposal on a different site, and that caution should be used in drawing conclusions from them, and that this proposal should be considered on its merits.

Ms J Robison, Planning Consultant, spoke on behalf of the Applicant and confirmed that the County Durham Partnership Vision 2035 was to bridge the gap between Durham and rest of the UK and the Council had pledged to achieve by committing to develop major employment sites in areas that would attract investment and to build a strong and competitive economy and establish Durham as premier place in the North East to do business. The Delivery of Aykley Heads and its associated 4000 jobs was a crucial part of realising that vision.

Ms Robison confirmed that the Master Plan proposed would deliver a key strategic employment site in accordance with its allocation in policy 3 of the County Durham Plan. Permission was sought mainly for office use but also some small scale ancillary uses which were tightly restricted in size so not to compete with any other local centre, but would provide supporting services on site and were typically offered in successful business districts and supported in Policy 2 of the County Durham Plan.

This was a high quality, modern, central location, which was within walking distance of a mainline train station, giving Durham a unique offering and the opportunity to compete on a large scale, providing an opportunity to retain graduates from local colleges and universities. Ms Robison continued that the majority of the Master Plan was in outline with detail for most plots at later reserved matters stage, however further detailed plans had been submitted for Plot C which was the first plot would act as catalyst for further investment.

Ms Robison confirmed that funding for £6m had been allocated from the LEP and brought forward to kickstart this investment. The Project Team had considered the scale of developments were appropriate to ensure there would be no negative impact on heritage and landscape at later reserved matters and Condition recommending the submission of sustainability statements was included for reserved matters. The walking and cycling routes would be enhanced and lit and there would be a travel plan for each plot. To address concerns about the Green Belt, Ms Robison confirmed that with the recent adoption of the County Durham Plan, there was very little Green Belt left within the red line.

Ms Robison summed up that this was a proposal that would deliver 4000 new jobs and a significant economic benefit for Durham, which would offer a unique business location within a mature parkland setting and allow to compete for large investors, new businesses and create new and better jobs on a significant scale, showcasing the City as being open for business. It was compliant with policies in the County Durham Plan and the emerging City of Durham Neighbourhood Plan, and it also delivered on pledges made by the County Durham Partnership and should therefore be approved.

Councillor Wilkes confirmed that he had concerns with regards to the amount of traffic the proposal would generate on Aykley Heads roundabout, yet no improvements had been proposed. The Highway Development Manager confirmed that the amount of trip generation for the new development was less than what was generated by the existing development and that was due to demand management in place and a restriction on parking provided within the site. The transport assessment had confirmed that the number of trips on the local network would not increase and therefore no improvements to the roundabout were required.

Councillor Wilkes referred to Plot C which was being used as a car park and for the nearby Trinity School, there was an unofficial car park. There was insufficient parking when school was built and staff travelled from all over the region doing extremely difficult jobs and the Council had a moral duty to ensure they had somewhere to park. Promises had been made that someone would give advance detail as to where staff would be able to park but he was yet to be given a guarantee.

The Highway Development Manager confirmed that Trinity School had been constructed with parking which had been justified by a transport assessment and the school themselves. The school were subject to a travel plan and although drivers had taken the opportunity to park on a piece of development land, it was now closed off, and drivers had taken the opportunity to find free parking elsewhere in the area. In terms of providing them with parking in future, it was up to those individuals to find their own solution to parking demands, the Park and Ride would provide suitable provision for people in the area along with other suitable means of sustainable transport.

Councillor Wilkes asked specifically whether Plot C was proposed to be heated using gas boilers and whether any renewable energy had been proposed as part of the application and the Senior Planning Officer confirmed that no detail had been provided as to what the heating system would be and there did not appear to be any renewable energy. He had contacted the Applicant with regards to parking for Trinity School and understood that some dialogue had taken place between the two parties.

Ms Robison confirmed that details relating to the heating system were still being considered but they were not something that would need to be determined as part of the planning process. She referred to the £6m funding which had been secured from the LEP and described the application as the catalyst to kickstart interest in Aykley Heads and bring the development forward. Various sustainable energy measures had been considered including the use of low energy LED lights fittings, electric vehicle charge points, solar reflective glazing.

With regards to Trinity school, there had been a parking plan drawn up and rejected by the school as there were concerns that the minibus may not be able to turn around, however discussions were ongoing.

Councillor Wilkes referred to condition 22 and the potential that it could be 15 years before the application was brought forward to reserved matters. Given the outline elements of the application barely met the current minimum environment and sustainability standards, climate standards would be impossible to achieve – if the application was approved, the applicant would be getting away with building to current BREEAM standards in 2035.

The Senior Planning Officer advised that the County Durham Plan period ran up to the end of the development period therefore there was no reason to think the requirements would change before the period was up. In addition, there were building regulations which also contained elements of sustainability and green design which may also be updated.

Councillor Atkinson had listened to the debate and considering the recommendation was minded to approve, and the Committee could not predict what was going to happen in the future, although there were some concerns. Having listened to the debate, he moved the recommendation to approve for the reasons outlined in the report.

Councillor Hopgood wanted the Committee to consider Condition 17 with regards to transport plans and parking. Trinity School had a Transport Plan which was unable to be enforced and when it didn't work for them it was dismissed, with no replacement provided. Most of the children attended school in transport or minibuses and at 2pm the main road was nose to tail with taxis on double yellow lines. Traffic enforcement had never taken place in 6 years and she wanted to ensure Plot C had an overflow car park for the school and adequate parking and a waiting area for school transport should be included in the management plan.

Councillor Hopgood confirmed that this road was the only route to a special school, new Police Headquarters and a huge new housing estate. She referred to Netpark, of which all of the infrastructure was in place before the buildings were erected and suggested that if the Council wanted to lead the way, they should be doing this the right way around. She acknowledged that most were in support overall but some of the detail was missing, especially around infrastructure and safety.

The highway development manager advised that the Council had been working with school and that most pupils arrive by taxi and minibus but parking within the school itself needed to be addressed as enforcement was unlikely. The area of development was never allocated as a carpark, and he referred to supply and demand for parking provision and there was a risk that if uncontrolled parking continued to be built, people would choose to use it and that did not measure up against promotion of sustainable travel and transport ethos as people would choose to use their vehicles. Condition 17 required parking management and would ensure parking management was suitably implemented for the whole of the site.

Councillor Tinsley acknowledged that everyone seemed to be in agreement that the principle of development was welcome. This was an opportunity to compete with other large cities, providing 4000 high quality jobs and he warned Members there was a danger of losing the application.

With regards to the traffic issue, Councillor Tinsley advised that Members should not forget proximity to the railway station, the site was serviced by significant bus coverage and bus stops were accessible by 400m across the whole of the site. In his opinion he did not need to include a bus stop within the site, 400m from a bus stop.

If the Committee was to grant outline permission there was a possibility that reserved matters would come forward in 15 years, giving scope for flexibility. There was no evidence that the development would impact the setting of the WHS, no objection from Historic England, the design was positive and further design details would be taken care of at reserved matters. The height of building was lower than the existing height of County Hall and incursion into the Green belt was very minor, with minimum ancillary use.

With regards to prematurity, Councillor Tinsley argued that there was a specific policy in the development plan which related to this site which had been ongoing for a decade, therefore comments with regards to prematurity could not be supported.

The proposal included contributions of £300k to cover replacement playing fields and overall, many of the issues raised would be dealt with at reserved matters.

Councillor Tinsley noted that the development would have to comply with Building Regulations, which were likely to develop. From a planning perspective, the benefits of the scheme heavily outweighed any possible negatives and the recommendation was minded to approve, which could be reviewed by the Secretary of State.

Councillor J Clare shared some of the disappointment as what had been hoped would be a flagship scheme would fall short in terms of climate aspirations however he did not share worries about the future as standards would be improving all the time.

In response to a question from Councillor Clare, the Senior Planning Officer confirmed that future applications would be dealt with as reserved matters with an opportunity to be called to Committee by Members. The Solicitor also confirmed that this was the case.

Councillor Clare agreed with the statement made by Councillor Tinsley, this was a similar application to the new Council HQ, the basic planning application had come before the Council had announced the climate emergency. The Council needed to play catch up and ensure anything coming forward was a flagship development.

To determine the application, the Committee had to consider whether it was acceptable and balance the dissatisfaction with the economic benefits of the development. Whilst the Committee needed to worry about Plot C in terms of climate and monitor closely, the key issue was that that Members could not reject the development as on balance it was so massively beneficial to the economy of the County.

Councillor Wilkes asked whether the Council managed the minibuses and taxis as at school closing time dozens of vehicles turned up and the LA refused to ticket them because there was no alternative – the school had not been built for its capacity.

Councillor Wilkes referred to Plot C, an application submitted by this Council, with environmental standards below the minimum environmental standards proposed in the County Durham Plan. It was unacceptable for the Local Authority to propose the construction in the City centre, of a building that was not even close to carbon neutral, making it more difficult to meet climate change. The proposal breached Policy 29 of the County Durham Plan, as it did not meet minimum BREEAM ratings. He proposed that the application be conditioned to meet the minimum BREEAM standards seconded by Councillor Hopgood.

Councillor Wilkes fully support the principle of development of the site but the Council had just passed a County Durham Plan with minimum standards and if the Committee were not going to insist on those requirements being met, he failed to see the point of it.

Councillor Hopgood asked in addition to the proposed condition that it was a requirement for a Travel Plan across the whole site and the condition be amended for it to ensure a Travel Plan was always in place. The reality was that the Travel Plan with Trinity School did not work and ended up thrown out. She asked that Condition 17 relating to car park management and enforcement include the Trinity School site as it was one of the biggest issues and it would have a knock on effect on Plot C and the rest of the development if it was not improved.

The Solicitor confirmed that of the issues raised, one was an existing highway/parking issue and was not appropriate to expect this development to rectify a pre-existing situation, and it should be addressed outside of this forum, and an additional condition would be not appropriate. With regards to the travel plan, Condition 16 could not be more specific, it was a requirement.

The Senior Planning Officer advised that Conditions 16 and 17 did apply to the whole development and were robust enough to expect compliance and he would expect the Travel Plan to remain and be regularly reviewed. He was not aware of or involved in any possible failure to adhere to a planning condition in relation to the Trinity School Travel Plan, so could not comment in detail with regards to this. He also stated that he agreed with the Highway Officer that it was unreasonable to expect the development to solve a problem that was not in control of the Applicant. He also clarified that it was clear in the report that Plot C did not meet BREEAM standards but the issue had been raised with the Applicant and who had advised that they were unable to do so. However, he considered that the application, when

considered as a whole, had general compliance with County Durham Plan Policy 29.

The Highway Development Manager confirmed that he was confident that a Travel Plan could be secured and implemented for the site. Condition 17 which required a parking management plan could be brought forward and would include enforcement. Parking control would be within the site and there was no reason there shouldn't be one at Trinity School. Vehicles parked on the road as they arrived before the school gates were opened, the road was wide enough, but it was difficult to enforce as by law, Officers had to allow an observation period, and if you started observing a vehicle on double yellow lines, the driver would leave. The Council had worked extensively with the Taxi Association and the school, and it was an existing problem, but discussions with the relevant people were ongoing.

F Tinsley stated that he was satisfied that the parking issue had been addressed, but was confirmed that he was concerned with regards to the proposal by Councillor Wilkes. Paragraph 271 identified that the building did not hit the BREEAM standard but also that when the overall development had come to fruition, that overall, the required BREEAM standard would be met.

If the Committee chose to impose the condition, it could require fundamental changes in design which would render it difficult to proceed with a permission and taking balance into consideration he was content to proceed with the building and the energy efficiency rating as proposed.

Cllr Atkinson reiterated that he supported the recommendation as outlined in the report.

Cllr Hopgood questioned how the Council could ask a third party in planning to meet conditions in the County Durham Plan, if the Council failed at the first opportunity they had. She had listened to the Highway Development Manager and there was a Travel Plan for Trinity School which the school chose not to accept and therefore there nothing in place and the same could happen, without a condition to say there had to be one permanently.

Councillor Clare referred noted paragraph 272 which stated that a redesign of Plot C would increase the risk of LEP funding timescales not being met and the whole scheme could be lost. Members could not throw away the whole application when finding one problem with it – to propose an extra condition the Committee had to be saying they would reject it otherwise.

The Solicitor advised that he had previously been incorrect with regards to a BREEAM condition on Plot C, however he was concerned that an additional condition relating to Plot C achieving BREEAM standards would not be

achievable and suggested that the applicant clarify this. He also made some comments with regards to Cllr Hopgood's request for additional Travel Plan condition.

Ms Robison advised that there was £6m LEP funding available which had been offered for this development and to get to BREEAM standards would require the process to start again and they would not be in a position to start again and get the LEP funding.

The Chair asked Members to vote on the recommendation to approve the application subject to the amended condition proposed by Councillor Wilkes.

Upon a vote being taken the motion was lost.

**Resolved:**

That the Committee be 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
- £140,000 towards the re-provision of the existing tennis facilities;

and the conditions outlined in the report, and as amended by verbal update.

**9 DM/20/01183/FPA and DM/20/01184/LB - Raby Castle, Raby Park, Staindrop, Bishop Auckland, DL2 3AH**

The Committee considered a report of the Senior Planning Officer with regards to 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 at Raby Castle, Raby Park, Staindrop, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photographs of the site and photographs of the site and plans showing the proposed site layout.

Councillor J Rowlandson confirmed that this was an area within his division and he was in support of the application. He suggested the Applicant should be commended for bringing this regeneration scheme forward under current circumstances, in time it would become a tourist attraction and it was positive for the area.

Cllr Rowlandson asked how much of the S106 contributions were being retained for works on the project. The Senior Planning Officer confirmed that the castle site, would only secure the net gains in terms of biodiversity, but if members were to approve the development sites at Staindrop and Gainford there would be £3m which would go towards the Castle.

Mr D Peake, Chief Executive of Raby Estate, confirmed that his presentation was intended for all three applications. Most people were aware of Raby Castle and its surrounding parkland but few were aware of the variety and quality of listed buildings in the park and gardens currently hidden from public view.

The castle had been opened sporadically for many years but four years ago when Harry and Kate Barnard took over, they set a vision of restoration, regeneration and renewal, to open up and share the heritage, culture and safe spaces and showcase Raby.

Mr Peake confirmed that approval would have a wide range of positive impacts for County Durham tourism, economy and it echoed the County Durham Vision. The concept of Raby Rising would tell a fascinating story of the castle and its history, provide a varied family experience with enough variety to keep people returning. A large part of the estate would be opened for walking and cycling, it would include a world class fortress play area in the trees, exhibitions and buildings would be accessible to the public for the first time.

This would significantly increase annual visitor numbers, to 120000 and would assist in financing the long term maintenance of Raby Castle, creating a major tourist attraction and increasing visitors and overnight stays in County Durham.

In addition, they sought to repair the grade 1 Gainford Hall which was on Historic England's at risk register and would be repaired over nine months to ensure it was completed quickly and a future use was identified.

Mr Peake stated that this was a hugely important development for the regional economy and the historical fabric, but it could only be achieved through the enabling development in Gainford and Staindrop.

Raby had always been a central part of the communities in Teesdale and would remain so by ensuring the housing development was of the highest quality and Raby would remain in control of the schemes through the build process – he assured Members that they would not be sold to a housing developer. Homes were designed as representative of the villages in which they were located, with design specific, unlike standard house types common found on new developments.

There were many benefits delivered by the housing scheme which were outlined in the Committee report and delivery of the housing schemes would be restricted by a legal agreement to ensure the heritage works at Raby Castle and Gainford Hall were completed ahead of the housing development

Mr Peake continued that this proposal would drive forward and enhance tourism as part of a long term sustainable vision, and he hoped the committee, local residents and those across the county would support to see what Raby had to offer.

Councillor Tinsley confirmed that this was a positive application particularly as the County emerged from COVID-19 and Brexit – Raby Castle was critical to the overall economic development in County Durham. Every element was positive, the comments from Visit County Durham could not have been more positive and to see £14m investment was transformational and form an attraction to compete at a European level.

So as not to get carried away, Councillor Tinsley referred to the specifics of the scheme and was very comforted by the comments from Design and Conservation Officers but particularly by Historic England, they could not be more positive. This application would also create 55 direct jobs and 66 indirect jobs which was positive for the area and he had no hesitation to propose the recommendation as outlined in the report.

Councillor Clare described the application as fabulous, necessary and sensitive, and he seconded the motion to approve.

Councillor Wilkes was happy to support the application and in response to a question, Mr Peake confirmed that of County Durham Estates, Raby was in excess of 40000 acres, there were two major estates, Raby Castle Estate was 20000 acres and Upper Teesdale Estate in Upland was around 35000 acres.

Councillor Richardson was very supportive of the application, but not necessarily the means of paying for it.

Councillor Jewell described the application as positive, not just for the area but for County Durham overall. He had a question with regards to vehicular access and egress, having visited and found that sometimes during events, traffic congestion yet Highways had suggested there was unlikely to be any issues and he asked for further clarification.

The principal DM Engineer confirmed that a transport assessment had been undertaken in relation to all three sites and for this part junction modelling was done as a worst scenario based on an event day in Easter 2019. The

event days were only 16 per year and despite the number of customers admitted being 7 x regular day and 3.5 times a busy day in school holidays, the operational capacity of the junction was well within its operational capacity.

**Resolved:**

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 conditions outlined in the report.

**8 DM/20/01185/FPA - Land to the West of Grice Court, Staindrop, DL2 3PH**

The Committee considered a report of the Senior Planning Officer with regards to the erection of 72 residential dwellings (Use Class C3) associated infrastructure and landscaping and demolition of on-site buildings and structures on Land to the West of Grice Court, Staindrop (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photographs of the site and photographs of the site and plans showing the proposed site layout.

The Senior Planning Officer highlighted that since the publication of the Committee report a further 9 letters of representation had been received broadly raising concerns already summarised within the Committee Report such as flood risk, the concept of enabling development, impacts upon the village and countryside, the recommendation of officers and that residents' concerns had been disregarded. New issues raised include concern at the absence of a sustainability statement on which the Senior Planning Officer advised was not a validation requirement at the time the application was validated, the Committee Report explains why officers consider the site is considered a sustainable location for the development and condition 10 requires a scheme of CO2 reduction.

The Senior Planning Officer referred to an error in the report at paragraph 149 and confirmed that it should read;

*'The majority of housing is located within Flood Zone 1 although a small portion is proposed within Flood Zones 2 and 3a. As the development is considered 'more vulnerable' and parts of the built development lie within*

*floodzone 3a there is a requirement to undertake the exception test. The submitted flood risk assessment fully acknowledges the relevant flood zones, the requirement to undertake the exception test and why this is passed. Furthermore, relevant consultees such as the Environment Agency have assessed the development on this basis therefore the error within my report doesn't change the overall outcomes reached or the comments they have provided. I do however need to update you on what the exception test is and how the development is considered to have passed it.*

*Paragraphs 160 and 161 of the NPPF outlines that for the exception test to be passed it should be demonstrated that:*

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

*Both elements of the exception test should be satisfied for development to be allocated or permitted.'*

Councillor I Royston, Vice Chairman of Staindrop Parish Council addressed the Committee on behalf of the Parish Council. The application was immensely important to the Parish Council, the proposed development was the most significant seen in Staindrop for many years but it was also deeply unloved and unwanted in the village.

Councillor Royston asked Members to picture a hypothetical planning application, somewhere in County Durham, involving an application for 80 houses, 5% affordable homes, in open countryside and an area of High Landscape Value, outside the boundary of a conservation village with a population of 1200, on land which regularly flooded, by a speculative developer. He suggested that despite falling foul of so many policies the present application set aside all policies and under the device of Enabling Development, local people were deprived of all normal protections offered by the County Development Plan. There was no dispute in the report that the application breached Policy 6, as the development would be outside the built-up area of Staindrop and was not well related to the settlement' and Policy 10 development in the countryside.

The Parish Council argued that Policy 39 was also breached as the development caused unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views, in an area of High Landscape Value. If this was an enabling development, the applicant managed to sidestep Policy 15, meaning that only 4 affordable houses would

be provided instead of the 14 required by the Policy. It was reasonable to question the point of these valuable planning policy protections, if they could be ignored by an applicant claiming a new housing site in Staindrop was essential to finance works at Raby Castle. The Parish Council considered that in the absence of Enabling Development the application would have little prospect of approval. He referred to paragraphs 84 -94 which dealt with Enabling Development which in his opinion did not provide sufficient information to enable members to arrive at a lawful decision.

Councillor Royston asked members to consider 2 main points

The report referred to the latest Historic England Good Practice Advice, but the Parish Council considered the advice had been quoted selectively and insufficient weight had been given to certain important points. Overall, the report painted enabling development in an unduly relaxed light as a useful conservation solution rather than as an absolute last resort. We believe instead that Officers should have stressed Historic England's emphasis on the seriousness of departing from planning policy.

Councillor Royston quoted various paragraphs which advised that if a decision maker was to agree to an exception to planning policy, the evidence would need to be clear and convincing, the harm done was likely to be permanent and irreversible, all reasonable alternative means to secure the future of the asset should be considered, enabling development was to be a last resort and even then a decision maker would still need to assess whether the heritage and any other public benefits would outweigh the disbenefits of departing from planning policy.

The Parish Council did not believe that the Report provided enough information to allow members to decide whether the development was a necessary last resort - the castle and environs were in no danger. The 'heritage' works described were largely to facilitate greater visitor footfall and increased revenue which was by no means a bad thing but it should not be at the expense Staindrop.

Councillor Royston referred to the report which confirmed that the applicant had considered alternative sources, but there was no evidence for Members to assess. The guide's advice required applicants to set out evidence of efforts made to find alternative sources of funding and if it were available, Members should have had sight of it before coming to a decision, as required the NPPF.

Enabling development had been the subject of much litigation and whether the obligation to finance the Raby works was a material consideration that could legally be taken into account was a crucial, unavoidable question. The report only briefly summarised the Parish Council's objection but there was

no attempt to say what the legal concerns were. Councillor Royston noted specific criteria developed by the courts for deciding on the lawfulness of material considerations in relation to enabling development and any planning obligation offered by the applicant dealing with the financial benefits would need to serve a planning purpose and not an ulterior one - there had to be a genuine connection other than ownership between the sites.

Councillor Royston continued that it was not good enough for Officers to say that the Staindrop site was considered reasonably near to Raby and there had been many recent cases which would suggest that in this case there would not be a sufficient connection. There was insufficient evidence in the report and although the Councils Solicitor had raised no concerns, if there was no legal connection between the two sites members would have no option but to refuse the application.

In summary the Parish Council argued that enabling development requirements had not been met and therefore the application should be refused. Alternatively, he would urge the Committee to postpone a decision until receipt of adequate evidence on the need for enabling development and a further report properly considering the legal issues raised.

Councillor Rowlandson confirmed that he had received numerous objections to this proposal and no support. He found it difficult to support the application as it was guised as enabling development, if it were not, it would have been stopped at pre-application. This was an area that flooded and he was surprised that the officer had referred to a 1 in 1000 year flood exception.

This application would have a negative effect on the landscape, only included 5% affordable housing, was almost a mile from Raby Castle making it difficult to see how the sites could be linked.

Councillor Rowlandson noted that Raby Estates was a large development and questioned how they could not afford to repair their own assets without enabling development. He asked whether other funding had been considered. The Senior Planning Officer confirmed that other sources of funding had been considered and were listed at paragraph 87, to no avail. With regards to the separation of the site, she confirmed that it was not always desirable to have the sites side by side.

Councillor Richardson considered the affordable housing to be insufficient and noted the loss of agricultural land. The Senior Planning Officer confirmed that paragraph 173 confirmed that the agricultural land was not the best and most versatile and with regards affordable housing, the quantum of development had been independently verified and she added that advised

that with enabling development there would not normally be any housing at all.

Mr Peake referred to the flooding which had taken place last winter and was found to be from a blocked underground culvert. He also confirmed that prior to submission of the application an extensive public consultation in Staindrop and Gainford had taken place with 58% supporting the developments.

Councillor Wilkes displayed a flood zone map from the Environment Agency which showed category 3 flood zone although the developer could make improvements to decrease the flood risk. He had serious concerns with regards to homeowners insuring the properties as homes built after 2010 were not afforded the same government assurances that homes built prior to 2010 were. Councillor Wilkes suggested the approval of planning permission in an area that homeowners would potentially not be able to insure their new properties was irresponsible. He referred to Bow bridge which was one of the key flood locations in the entire County and there was a road which was at serious flood risk. He could not accept building houses on a flood plane by an applicant with a substantial amount of land available to the applicant, he could not understand why this site had been chosen. He could not support an application that could have affordability issues in terms of insurance and if flooding occurred, would require the involvement of the council and emergency services. Although there was flood mitigation outlined in the report, it was potentially in breach of the Sustainable Design Policy 29. He did not agree with the recommendation despite enabling development as it went against Policy T6, 10, 39 and 15 and this was more than adequate for Members to reject the application.

The Senior Planning Officer confirmed that although it was in flood zone 3a, the Applicant proposed to raise the houses which would sit out of the flood zone and no objection has been raised by either the Environment Agency or the Council's Drainage and Coastal Protection Officers. The Environment Agency had confirmed the potential for the flood map to be redrawn which was something the Applicant may do to address some of the concerns.

Councillor Hopgood asked if the S106 contributions that would normally be available to the community, was all to be allocated to Raby Estates. She said that this was the first application for enabling development and she questioned whether use of the phrase suggested that all negative impacts could be ignored. The Solicitor emphasised that Members could not ignore the conflict with policy but must apply a balance test of whether the benefits of the proposal outweighed the negative impacts that arose from the application.

The issue of enabling development, the suggestion of there being no connection with the site and the works of the castle – the Historic England

guidance was not policy or legislation and there did not always have to be a close physical proximity between the development site and heritage asset site. The S106 would secure the package of heritage works and was a sufficient legal connection in this case.

Councillor Wilkes asked specifically regarding the insurance, which policy could be used on the grounds that it was not sustainable if somebody could not afford to get insurance on the property.

Councillor Atkinson suggested that people would not buy a property if they could not get insurance for it.

The Principal Planning Officer confirmed that a matter of insurance was not a material planning consideration however if he wanted to refuse the application on flood risk grounds as he believed there was an unacceptable risk of flooding issues, it would be Policy 35.

Councillor Wilkes did not believe Policy 35 would not stand up on appeal, however he did agree with the reasons for refusal that the Parish Council had alluded to and he proposed refusal on the basis that it breached Policy 6, building outside a built up area, Policy 10 inappropriate development in the countryside, Policy 39 impact on the character of the landscape and Policy 15 lack of affordable housing.

Councillor Richardson said the application would be a significant increase in housing and he could not support it for sustainability reasons and seconded the recommendation to refuse.

Councillor Wilkes confirmed that with regards to enabling development the harm outweighed the benefits, but also that insufficient regard had been given to other possibilities and with all of the other resources the Applicant had, there could be another way of securing the funding.

Upon a vote being taken the motion was lost.

Councillor Laing moved the recommendation for approval, seconded by Councillor Atkinson.

**Resolved:**

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 conditions outlined in the report.

**7 DM/20/01205/FPA - Land to the North and South of Spa Road, Gainford, DL2 3EB**

The Committee considered a report of the Senior Planning Officer with regards to the erection of 79 residential dwellings (Use Class C3), associated infrastructure and landscaping and demolition of existing agricultural barn at Land to the North and South of Spa Road, Gainford (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photographs of the site and photographs of the site and plans showing the proposed site layout.

The Senior Planning Officer highlighted that since the publication of the report 1 further letter of objection had been received, the issues within raised within have predominantly been discussed within the report. One new issue is raised on whether the development is appropriate in the current economic climate and whether the development would be economically viable at a time of potential economic crisis, however, officers consider that this would not be an appropriate reason to refuse the application.

Councillor Rowlandson confirmed that he travelled on the A68 regularly and the entrance into the village is a picture, with the site in front of that view. Concerns were expressed in regards to a blind corner and the impact of the number of vehicles accessing and egressing., Councillor Rowlandson confirmed that he had many people objecting, but had also people in support of a new development in the village. However, with the loss of agricultural land and impact on the countryside he asked that the Committee refuse the application.

Councillor Richardson confirmed that he couldn't add anything else to James Rowlandson and he had to object for the people of Gainford, with regret he could not support.

Mr Peake confirmed that in Gainford a lot of local consultation had taken place.

Support for this scheme was greater than it was in Staindrop. In response to the comment about Raby finding other sites Mr Peake confirmed that a review of all existing sites had been undertaken by the estate. However, for a development to be sustainable this means having good access to schools and shops, so though we do own a lot of land most is remote and in extremely rural locations where it would be completely unsustainable to build.

The statement of Dr A Walker was read out by the Senior Committee Services Officer as follows;

- New housing may be required in County Durham but it was questionable whether 79 houses were needed in a village with no local employment and poor public transport links
- Significant environmental impacts. This was a beautiful green field with loss of wildlife, risk of flooding and additional cars on the road
- The entrance to the development was dangerous, being built on a blind corner
- There is no mention of how 'green' this development was. A new development should be as green and environmentally friendly as possible. She asked whether there would be any future energy requirement for houses and vehicles
- Concerns with regards to safe access to the school as all the roads from the main road to the school were single track and had narrow footpaths or none
- Insufficient parking on the site and in the village. There did not seem to be enough parking per house. Most households had several cars which would be needed for commuting. The village already had many cars parked on the road and increased traffic would cause more issues when passing
- Village amenities were lacking. There was no longer a cafe or post office and the local shop was very basic so new residents would have to travel to access services
- Devolvement on the St Peters site should take priority as this was an eyesore and subject to repeated arson attacks and concerns that if this development succeeds, the St Peters development may not
- The development would change the feel of the village from a small local community to a commuter village with no centre point
- The view across the field was a protected view in a conservation area

- Most people would travel east from the village to the A1, train station, airport, Darlington, Teesside for employment and therefore pass through the narrow main road

Councillor Tinsley confirmed that having listened to the issues raised, the issue of enabling development was not as contentious as the application for Staindrop.

It was difficult for communities in places like Gainford and Staindrop as people wanted to live in desirable places, there was pressure from developers and from the government for development and he proposed the recommendation to approve. Councillor Tinsley read out quotes in relation to the need to provide suitable housing developments from Rt Honourable Robert Jenerick and Rt Hounarable Boris Johnson. Councillor Tinsley proposed the development was approved.

Councillor Atkinson seconded the motion to approve as on balance the benefits outweighed any negative impact.

Councillor Wilkes had referred to the Councils Strategic Housing Land Availability Assessment as this piece of land had not been included as a development site and it was part described as a large uncontained incursion into attractive countryside, beyond well assimilated settlement edge, likely to have significant landscape effects and cause significant adverse harm to the setting of the conservation area, with grade 1 and 2 listed buildings, unlikely to achieve suitable highway access without substantial hedge removal and substandard footpath links, and that was only one side of the road. There was no flood risk and part of the site suggested a yield of 86, yet this was significantly larger with only 79 houses proposed and he was less inclined to vote against despite there being a lot of reasons why it shouldn't be developed. As stated, it was a balance test of the positives and negatives. Cllr Wilkes concluded that he would like to listen to what any other Members say.

Councillor Richardson stated the application was similar in many ways to Staindrop and the statement from Dr Walker had drawn his attention to St Peters, with over 30 houses to come forward, this would be an additional 110 houses, which was a significant increase. The access was on a very busy road with a school opposite – crossing the road was a great worry.

Councillor Hopgood did not see the need for this application when there was an application at St Peters which had been approved in Gainford which had not commenced. She was staggered that we have waited for years for the County Durham Plan so that we can abide by it and have guidance and yet every application the Committee has gone against its policies.

**Resolved:**

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 conditions outlined in the report.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/19/03766/WAS</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Retention of existing building for permanent use as plasterboard recycling facility and retention of existing bund</b>
<b>NAME OF APPLICANT:</b>	<b>Agricore Ltd</b>
<b>ADDRESS:</b>	<b>Hill Top Farm, Winston, Darlington, County Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Barnard Castle East</b>
<b>CASE OFFICER:</b>	<b>Chris Shields</b> <b>Senior Planning Officer</b> <b>03000 261394</b> <b><u><a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a></u></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located on land to the immediate north east of Hilltop Farm, approximately 800m to the south west of the village of Winston. The site consists of two interconnected buildings with yard, access track and weighbridge. There is also a grassed bund to the south of the site, which was formed from the excavated soils when the buildings were constructed. The buildings and hardstanding areas amount to approximately 1.1 hectares whilst the bund has an overall area of approximately 0.7 hectares.
2. Whilst located immediately adjacent to Hilltop Farm the site is physically separate and has its own utility and drainage arrangements. For reference, the agricultural business at the farm includes 3,000 pigs, cereal production in conjunction with on-site feed milling and contract farming. The total land holding associated with the farm covers approximately 324 hectares. The farm steading itself includes a number of large agricultural buildings in order to accommodate these existing agricultural activities.
3. The site is accessed from the B6274 road via a private access track of approximately 360m in length. Traffic from the site reaches either the A67 road to the north via the village of Winston or the A66 trunk road to the south via the villages of Caldwell and Forcett.
4. The nearest settlements to the application site are the villages of Winston approximately 800m to the north west, Gainford approximately 2.2km to the east, Caldwell approximately 3km to the south and Ovington approximately 2km to the south west. The nearest residential property is located at Hilltop Farm itself, approximately 150m from the application site. The next nearest properties are located at the Hamlet of Winston Gate approximately 300m to the west. Hedgeholme Farm is located approximately 320m to the north. A cluster of properties including Hill Top East,

Woodlands, Green Hill and Moor House Farm are located approximately 550m to the south east. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south.

5. There are several heritage assets within the vicinity of the site, the nearest of which is the Grade II\* Listed Winston Bridge, which forms part of the B6274 road between the application site and Winston village. Within Winston village itself are the Grade II Listed Milestone, 120 metres south of junction with A67, Grade II Listed The Mount, Grade II Listed The Cobblers, Grade II Listed Bridgewater Arms (West Section), Grade II Listed Church Hill and Grade I Listed Church of St Andrew. Approximately 750m to the south of the site are a pair Grade II Listed Milestones. Approximately 1.5km to the east of the site is the Grade II\* Listed Barforth Hall, Grade II Listed Farmbuilding group to the north of Barforth Hall, Grade II Listed Garden Walls to the west of Barforth Hall, Grade II\* Listed Dovecote 100 metres north of St Lawrences Chapel, Grade II\* Listed Ruins of St Lawrences Chapel and Grade II\* Chapel Bridge over Black Beck. The Scheduled Monument of St Lawrences Chapel, Manorial Settlement Remains and Dovecote are also located approximately 1.5km to the east of the site.
6. The site is not located within any landscape or ecological designations. An Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the immediate north of the site and extends south on the western side of Hilltop Farm. Teesbank Woods Local Wildlife Site (LWS) is located approximately 400m to the north west and Gainford Spa Wood LWS is located approximately 830m to the north.
7. The site is entirely in Flood Risk Zone 1 and within a Coalfield Development Low Risk area. There are no public rights of way within or in the vicinity of the site. The nearest footpath is No. 2 (Barforth Parish), located approximately 400m to the north of the site.

#### The Proposal

8. This application is for the retention of existing buildings and for their permanent use for plasterboard recycling. The application also seeks to regularise the grassed bund to the immediate south of the site.
9. The application was initially submitted as a change of use to plasterboard recycling on the understanding that the buildings had a temporary permission for plasterboard recycling until November 2020 with permanent agricultural use thereafter. However, during consideration of the application it was brought to officers attention that the larger of the two buildings has not been built entirely in accordance with the drawings approved as part of a previous permission granted in 2015 (refer to the planning history section below). Following submission of revised plans for the site a further consultation exercise was carried out. The drawing for the larger building shows it to be 81m by 42m with a height to the eaves of 7.6m and a height to the ridgeline of 15m. As built, the larger building is 81m by 44m with a height to the eaves of 8.4m and a height to the ridgeline of 14.6m.
10. The larger building is therefore 2m wider and 0.4m lower than originally approved. The larger building has also been built approximately 8m east of the approved location, the purpose of this being to allow HGVs to turn in the yard and to facilitate an efficient arrangement of the processing plant inside the building. Moving this building further to the east resulted in a need to construct an additional lean-to structure between the two sheds to bridge the gap between plasterboard waste reception and the processing area. The application therefore also seeks to regularise this structure.

11. In addition to the regularisation of the buildings it is also proposed to retain the grassed bund, which is larger than originally approved although still located to the south of the site. The bund covers an area of approximately 0.7 hectares and is now fully formed and grassed.
12. The primary purpose of this application is for the retention of existing buildings and for their permanent use for plasterboard recycling. Planning permission was granted in 2015 for plasterboard recycling for a temporary period of 5 years. The 5 year period had been requested by the applicant rather than it being imposed as a restriction by the Council. The applicant said that they would use the time afforded by the temporary permission to investigate and move the business to another location. This was reported in the applicant's statement contained within the Committee report for application DM/15/03766/WAS.

#### Background to plasterboard recycling

13. Gypsum is a soft sulphate mineral with the chemical formula  $\text{CaSO}_4$ . Gypsum is a mineral that has a wide range of uses including for the creation of plasterboard and concrete blocks in the construction industry, as a soil conditioner and fertiliser in agriculture, and is used medically for the creation of Plaster of Paris.
14. In 2005 changes to the Landfill Directive resulted in the prevention of landfilling gypsum and other high sulphate waste with biodegradable waste. This is because the gypsum would react with biodegradable waste in the anaerobic conditions of a landfill cell to create hydrogen sulphide gas. This gas can corrode landfill cell liners, allowing leachate and other waste to escape. Advice was then issued by the Environment Agency to state that waste products containing gypsum, such as plasterboard, should be recycled in order to remove and reuse the gypsum rather than disposing of it to landfill.
15. Plasterboard is used extensively in the construction industry. Consequently, through demolition or refurbishment of buildings plasterboard is produced as a waste product within the construction and demolition waste stream. Under the Landfill Directive, as detailed above, the plasterboard must be separated out and dealt with in another manner and this has led to the development of facilities specifically designed to recycle the plasterboard such as the one that has been developed at Hilltop Farm. These recycling facilities need an outlet for the gypsum produced through the recycling process. Gypsum is widely used as a soil conditioner and fertiliser. The location of Hilltop farm, in an arable area, means that there is a ready local outlet for the gypsum produced from the recycling process.
16. Whilst the development began as farm diversification project granted planning permission in 2011 with the expectation of recycling up to 10,000 tonnes of plasterboard per annum, it is now recycling in excess of 60,000 tonnes per annum and is the only site of this scale and capacity in the north of England and Scotland.

#### The process

17. Waste plasterboard is delivered in bulk to the site by HGV. On arrival, delivery vehicles pass over the weighbridge before depositing their load in the waste reception building, which is the smaller of the two sheds. The first stage of the process is primary crushing in the waste reception building. The crushed material is then dropped into a hopper which sends the material by conveyor to the processing plant in the larger building. The processes include separation of paper and other waste types, such as plastics and metal, through automated plant and manual handpicking and further crushing and screening to reduce the particle size to a dimension suitable for consumer use. The processing shed has a large area for storage of product. The process is all carried out

within the building and whilst some deliveries are tipped in the yard, neither, the waste nor the product is stored outdoors at the site for a prolonged period.

18. The gypsum is loaded into trucks or trailers drawn by tractors for delivery to customers. Approximately 80% is used for agriculture with the remaining volume being sent to other industrial applications. The site offers customers the ability to collect gypsum although deliveries are typically by HGV to minimise transports costs and vehicle movements. The site also operates its own tractor and trailer for accessing sites that a HGV could not.
19. Non-gypsum waste fractions are separated into skips for processing or disposal at other waste facilities.
20. Traffic movements associated with the development are proposed to be a maximum of 60 per day (30 in and 30 out) with an average of 240 movements across a calendar week. Operating hours are proposed to be 0700 – 1900 Monday to Saturday with plasterboard and gypsum transport restricted to 0700 – 1700 Monday to Saturday. The proposed operating hours are as per the current operation.
21. The development would retain the existing 15 full time jobs on site.
22. The application has been screened for Environmental Impact Assessment (EIA). Whilst the proposal exceeds the applicable threshold criteria for Schedule 2 development, due to the location, type of development and potential risk it is considered that the proposal does not require EIA. A screening opinion has been published to this effect.
23. The application is being reported to the County Planning Committee following a request from the Local Member.

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## **PLANNING HISTORY**

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24. Planning permission was granted in 2011 (8/CMA/6/47) for the change of use of an existing grain store building for the recycling of plasterboard and continued use for agricultural purposes. The annual throughput of the facility is limited by planning condition to 10,000 tonnes to protect local amenity. This building is not currently in use for plasterboard recycling but the permission remains extant and could resume at any time.
25. A Prior Notification was submitted in 2014 for the construction of an agricultural building under reference DM/14/00388/PNA. This building was to later form part of the plasterboard recycling facility.
26. Planning permission was granted in 2015 under reference DM/15/01767/WAS for the construction and temporary use of a new building and temporary change of use of existing agricultural building (DM/14/00388/PNA) for the recycling of plasterboard for 5 years (both buildings to be returned to agricultural use at the end of the 5 years)
27. Planning permission was granted in 2018 under reference DM/18/03004/WAS for the construction of a lean-to building on the south west side of the larger building for storage of spares. This permission also regularised the dimensions of the larger building but did not show the revised location.

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# PLANNING POLICY

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## NATIONAL POLICY

28. A revised National Planning Policy Framework (NPPF) was published in February 2019. 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.
29. 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.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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.
35. *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.

36. *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.
37. *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>

38. 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; determining a planning application; flood risk; healthy and safe communities; light pollution; noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions; water supply, waste, wastewater and water quality.

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

39. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

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

The County Durham Plan (October 2020)

40. Policy 7 – Visitor Attractions – supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy. Where a countryside location is required, development should: meet identified visitor needs; support local

employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

41. Policy 8 – Visitor Accommodation – supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
42. Policy 10 – Development in the Countryside – states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. This includes all applicable policies relating to minerals and waste development.
43. Policy 21 – Delivering Sustainable Transport – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
44. Policy 29 – Sustainable Design – requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
45. 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 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 locating of 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.
46. Policy 39 – Landscape – states that 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
47. Policy 41 – Biodiversity and Geodiversity – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.

48. Policy 43 – Protected Species and Nationally and Locally Protected Sites – states that 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.
49. 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.
50. Policy 47 – Sustainable Minerals and Waste Resource Management – states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by ensuring that waste is managed in line with the waste hierarchy in sequential order and supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.
51. Policy 60 – Waste Management Provision – requires proposals for the provision of new or enhanced waste management capacity to demonstrate that they contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy, assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production and assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
52. Policy 61 – Location of New Waste Facilities – states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
  - a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
  - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
  - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and can be satisfactorily located as part of an existing waste management facility, or where the waste management facility; and
  - d) can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
  - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.

#### County Durham Waste Local Plan (2005)

53. Policy W6 – Design – states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate

best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.

54. Policy W26 – Water Resources – states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site.
55. Policy W29 – Modes of transport – requires that waste development incorporate measures to minimise transportation of waste.
56. Policy W31 – Environmental impact of road traffic – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
57. Policy W32 – Planning obligations for controlling environmental impact – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
58. Policy W35 – Cumulative Impact – states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.

#### **NEIGHBOURHOOD PLAN:**

59. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted County Durham Waste Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

60. *Winston Parish Council* – has objected to the proposals stating that the business has outgrown the site and should be relocated to a more suitable site with better transport links. The Parish Council contends the statement by the applicant that moving the facility would be a complex process and states that it is simply a large shed, of which there are many available on sites closer to major transport arteries. The Parish Council states that this is not an application for a new facility but an existing facility that has expanded beyond the original use as a small diversification scheme. The Parish Council concludes that the decision to limit the use of the site for plasterboard to 5 years must stand.

61. *Hutton Magna Parish Council* – has objected to the proposals due to the impact of HGV traffic occasionally travelling through Hutton Magna in contravention of a 7.5 tonne weight restriction. The Parish Council considers this impact to be unacceptable. Concern is also raised in respect of any future expansion of the site.
62. *North Yorkshire County Council (Planning)* – advises it has no comments.
63. *North Yorkshire County Council (Highways)* – has raised no objections to the proposals. It is noted that the application has revised the number of maximum trips per day but retained the overall weekly total at the same level as the previous application (DM/15/01767/WAS). It was also noted that use of the site is an increase from the 2011 application (CMA/6/47) Officers confirmed that they have taken into account traffic generation, road layout, types of vehicles and damage to highway infrastructure when making their assessment. Officers consider that the width of the road, types of vehicles using it and any damage sustained is typical for the road network in similar locations across the County (North Yorkshire). Officers understand that the proposed weekly vehicle movement limit of 240 relates to both HGVs and tractors and have made no request for specific conditions.
64. *Richmondshire District Council* – has not objected to the proposals. Officers have requested that the concerns of residents from the Richmondshire villages of Caldwell, Forcett, Eppleby and Melsonby are taken into consideration in the decision making process and any outstanding questions answered before a decision is made. Officers advise that North Yorkshire County Council be consulted as the Local Highway Authority and that the Council considers the highway impact in respect of Paragraph 109 of the NPPF.
65. *Caldwell Parish Council (North Yorkshire)* – has objected to the proposal. Concerns are raised in respect of increasing the daily maximum of vehicle movements for the site and it is considered that there is an intention for the business to expand in the future. It is stated that roads, villages and ancient bridges cannot withstand the damage the HGV's are causing them. Concern is raised that there would be a cumulative impact with the proposal at Barforth Hall. Traffic surveys conducted by the community have noted that vehicle movements more or less tally with the submitted transport but advise that there is little HGV traffic not associated with Agricore on the road. The Parish Council notes that there have been no letters of support for the development from village residents and that they have all been from people with a vested interest. The Parish Council note that as a community they have been collecting money through crowdfunding to pay for a planning consultant to represent them. The Parish Council has, in addition to a formal objection, sent photographs relating to traffic issues, a note of a meeting with North Yorkshire County Council and has forwarded a response that members of the public have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene.
66. *Environment Agency* – has raised no objections to the proposals. The Environment Agency (EA) advises it regulates the site through an environmental permit, which was originally issued on 2 September 2011. This permit is for a household, commercial and industrial waste transfer station with treatment with a capacity of up to 75,000 tonnes per annum. In respect of the permit, the EA advises that there are some improvements to be made on site in respect of dust management, particularly from loading and unloading of vehicles. The site has, historically, produced a waste paper which was supplied to local farmers for use as animal bedding. That material is no longer being used for animal bedding, thus precluding future issues related to this activity. There is an ongoing investigation as the clean up operation related to this activity is still active. The EA has provided complaint incident numbers recorded for the site by year (2016 - 2 reports, 2017 - 1 report, 2018 – 3 reports, 2019 – 0 reports) but note that they have

received a spike of incidents since the planning application in 2020, which have been investigated and largely unsubstantiated. All other potential environmental impacts such as drainage on site, have been recently inspected and found to be compliant.

67. *Durham County Council Highway Authority* – has raised no objections to the proposals. Officers have noted the submission of a Transport Statement (TS) in support of the application. The TS references that the B6274 is a relatively lightly trafficked road. The Highway Authority advises it has no objective basis with which to dispute this statement. Though recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including with the application site's commercial traffic added. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the conditioned level of commercial traffic to and from the site. The lower the volume the less incidence there is of opposing vehicles passing one another at any given point. The B6274 is a predominantly rural environment principal highway, acting as an inter urban link as well as serving local communities. It is not atypical in having a historic horizontal alignment in places where two HGV's may have difficulty in simultaneously passing, or, where this is not possible. However, such roads can and do function generally satisfactorily despite this, not least due to the relative traffic flows they are subject to. As stated, the B6274 is, and will remain, a relatively lightly trafficked road. Officers do not dispute the surveys undertaken in February 2020 by members of the public regarding the directional split of movements north and south from the site, nor is this aspect disputed by the applicant. It is not unreasonable to assume, at an average of near 50%, that it is reasonably representative of the respective split of flows in each direction. In any case, and more importantly, it is clear that the B6274 highway links, respectively north and south from the site access, share generated commercial traffic from the site. The Council's Highway Maintenance colleagues have confirmed there is no aspect of Agricore's operation deemed directly attributable to highway damage as opposed to other lawful traffic, such that a planning condition for highway improvements would meet all relevant tests or be appropriate. Officers conclude that an NPPF Paragraph 109 based highways refusal could not be sustained and are, accordingly, unable to recommend that the application be refused.
68. *Drainage and Coastal Protection* – has raised no objections to the proposals. Details of the existing drainage system, proposed attenuation pond and hydrological calculations were submitted and found to be acceptable.

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

69. *Spatial Policy* – Officers have stated that the planning application should be determined in accordance with the provisions of the statutory development plan unless material considerations indicate otherwise. The most important policies are considered to be CDP Policies 60, 61, 47, and 31. In addition to a number of other CDP policies a small number of existing County Durham Waste Local Plan policies are also relevant. Officers consider that the proposed development would comply with the provisions of both CDP Policy 47 and Policy 60. It is considered that there is a need for a specialist waste management facility to recycle/recover this gypsum based construction materials and that there does not appear that this need can be met by any other existing operational facilities in either County Durham or the North East. The proposed development would also enable the continued management of the waste stream, which is currently managed at Hill Top Farm, towards the higher tiers of the waste hierarchy, whilst also helps to achieve net self-sufficiency for the management of this waste in County Durham and the North East. Should planning permission be refused the existing waste management capacity will be lost.

70. To meet the provisions of Policy 61 a satisfactory assessment will need to be made in relation to criterion a), b) and c) together with either d) or e). Criteria d) is permissive towards proposals which can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option. Criteria e) relates to proposals for waste management facilities that genuinely require a rural or outdoor location and includes farm diversification activities. Unlike the original scheme in 2011 which it is understood was proposed as farm diversification, the current scheme is of a size and nature which suggests that it is a waste management operation which is not commensurate with farm diversification, although this for the case officer to judge. Policy 61 also requires that the proposed waste management operations can be satisfactorily located on the application site with no unacceptable adverse impacts on the environment, human health or the amenity of local communities. Similarly, amongst its provisions Policy 31 also requires a demonstration that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. On this basis it is considered that the views of relevant specialists will be important in helping to determine whether the proposed development would result in unacceptable adverse impacts.
71. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have commented that the development has the potential to generate dust associated with operations, plant on the site and vehicle movements. Officers note that a significant number of objections have been raised in respect to this application and a large proportion of the objectors raise concerns relating to dust and air quality. Officers advise that the site is regulated under the Environmental Permitting (England & Wales) Regulations 2016 SI 1154 (as amended) through permits issued by both the Environment Agency and Durham County Council; both permits include conditions which restrict emissions of dust from the site operations. The site is located in a rural area and there are no Air Quality Management Areas that have been declared for any of the 8 air quality pollutants in the vicinity of the facility and also the villages of Winston and Caldwell. Since the area is rural the existing air quality may be described as good and this is shown by the predicted background levels of PM10 and PM2.5 for both locations in Caldwell and Winston. For example, the predicted background level of PM10 in Caldwell for 2019 was 10.3 µg/m<sup>3</sup> and in Winston was 9.52µg/m<sup>3</sup> and for PM2.5 was 5.99 µg/m<sup>3</sup> in Caldwell and 5.77 µg/m<sup>3</sup> in Winston. It is very unlikely therefore, given the predicted background levels of PM10 and PM2.5, that receptors in Winston and Caldwell will experience levels of these air quality pollutants that exceed the annual mean air quality objective (40 µg/m<sup>3</sup>). Any emissions of dust from the raw material received at the Agricore processing facility are more likely to comprise of larger, visible particulates (dust) that are classified as above 10 microns but below around 76 microns. Once the material has been processed there is an increased risk of emissions of smaller fractions of particulates of below 10 microns. The process is, however, subject to regulation by way of conditions on Environmental Permits issued by the Local Authority and the Environment Agency. In conclusion with regards to emissions of dust from the site the Environmental Permits are there to ensure that no significant pollution arises from the site and therefore there would be no requirement for an Air Quality Assessment in relation to the operations on site. Officers note there are a number of concerns stated in relation to dust from vehicles attending and leaving the site and it is suggested that a condition be imposed ensuring that vehicles are cleaned with water run-off captured for re-use and correct disposal.
72. Since November 2015, following the granting of the temporary planning permission, three complaints alleging emissions of dust from the site were received, investigated

and resolved by the Councils' Environment Protection Service and the Environment Agency. No further complaints were received relating to emissions of dust from the site from August 2018 until March 2020 when 3 complaints were received and further complaint in July 2020.

73. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers note the submission of a Noise Impact Assessment, which considers the impact of noise associated with vehicle movements to and from the site and noise arising from operations at the site in accordance with methodology set out in BS 4142 and CRTN. The assessment demonstrates that the traffic associated with the business has little impact on the overall noise climate, increasing the decibel level by 0.4. This is considered to be negligible change in impact magnitude. However, it should be clarified that this difference change is based on an 18hr average and as such does not take into account the potential impact associated with the peak noise level when vehicles pass properties. However from the vehicle count and noise information provided it appears that the road is fairly well trafficked (average of 40 vehicles both light and heavy an hour) and as such peak noise level from passing vehicles would not be considered outside of the existing character of the locale. The assessment also considers the noise arising from the operation itself. The outcome demonstrates that the noise arising is based on direct propagation, assuming no barrier effects, has a rating level of 10dB below background at the nearest receptor. This therefore indicates that the noise impact is negligible and as such at a "no observed impact level". Officers note the proposal to increase the daily maximum vehicle movement limit but consider that if the overall weekly maximum is unchanged then it would not lead to increase in noise level above 'negligible'.
74. *Landscape* – has raised no objections to the proposals. Officers note that whilst the building already has approval, and it is considered that the permanent change of use of this existing building would not have further landscape and visual impacts, there is an opportunity to further help integrate the building into the landscape. Attention has been drawn to views from the east (Barforth Lane) that had not been previously considered. Whilst the proposal is not out of character in this agricultural landscape, given its scale, it is a prominent feature and the building could benefit from some native tree planting along the hedgerow directly to the east to help soften the buildings outline and further help to integrate it into the landscape. Officers have suggested predominately oak mixed with silver birch and rowan. Officers are aware that the buildings dimensions are slightly different to what was originally approved, but consider whilst the building is slightly larger these alterations do not create additional landscape or visual harm.
75. *Design and Conservation* – has raised no objections to the proposals. Officers have stated that the proposal is, in effect, to seek to make permanent the on-site operations consented temporarily, under DM/15/01767/WAS. As identified by landscape colleagues, the operation is well integrated into the farm operation and screened by topography and vegetation. On the basis of the site context officers consider that no additional harm to heritage assets would occur as a result of this proposal. On this basis officers consider that no heritage related objection would be appropriate.
76. *Ecology* – has raised no objections to the proposals. Officers note the limited risk of impact on any sensitive receptors or designated sites. Officers were aware of objections to the proposal and of the purpose of the application when making their assessment.
77. *Low Carbon Economy* – has raised no objections to the proposals. Officers have commented specifically in relation to use of diesel generators for powering the facility and have stated that as a long term solution this is not sustainable, however this must be caveated that many rural businesses face the same or similar issues and thus to set a precedent on this scheme may have unintended consequences for farms and other

rural business that use diesel generators for their activities. Officers state that whilst the continued use of diesel generators should be considered as adverse from a climate change perspective, this should be put into context as it is also considered that the use of petrol and diesel cars would also be considered as adverse. It is recommended that a condition be imposed requiring the applicant to investigate alternative, sustainable power arrangements with a timetable for implementation.

78. *Visit County Durham* – has not objected to the proposal but have stated that Hillcrest Holiday Park are partners of Visit County Durham and a valued business. Recent research indicates that there is good market demand for this kind of accommodation in this part of the County. Officers have stated that they would be concerned about any disruption this application would have on trade for this business. Visitors have high expectations in terms of the environment they expect the visitor accommodation to be situated. It is stated that many of our visitors are motivated by the need for escapism, peace and tranquillity and nature.
79. *Business Durham* – supports the application. Officers have stated that the company has significantly invested in the site over recent years and now employs 15 permanent staff most of whom are from the local area. Business Durham welcomes the opportunity to safeguard these jobs in a rural area of County Durham.

#### **PUBLIC RESPONSES:**

80. The application has been advertised in the press, by site notice and neighbour notification letters were sent to 161 neighbouring properties and businesses. The application has been subject to an initial consultation followed by two further rounds of consultation when additional information was submitted.

#### *Objection*

81. A total of 111 individual objectors have responded, some on multiple occasions, bringing the total number of public objection documents to 261. The majority of these documents are objection letters; however, a number are complaints and photographs relating to the current operation of the site, criticisms of consultee responses, information for other residents on grounds of objection and queries relating to procedure.

#### *Traffic*

82. The key issue raised in responses from almost all objectors is in relation to traffic and specifically HGV's travelling to and from the site. It is stated that the B6274 road is too narrow to accommodate HGV traffic and the road and verges have been damaged and eroded from this type of vehicle. Concern is raised that the weight and volume of HGV traffic will cause damage to the several bridges on the route of the B6274 road
83. Residents in Caldwell and Winston have complained about the current and proposed impact of HGV traffic. Residents in Winston have stated that the village was bypassed to reduce the volume of traffic and the suitability of the B6274 as being part of the freight route network is contended.
84. A road width analysis of the B6274 has been produced which shows that of the 88 measured points, 51% of the road is below the minimum width requirement for 2 way traffic. The cumulative impact of the proposed development with traffic from the proposed development at Barforth Hall for a retaining bund (the planning application, DM/19/03878/WAS, was refused on 7 August 2020) is raised as a concern, as is the impact to the Grade II\* Winston bridge on this road. Residents of Winston have stated

that the village is difficult for large vehicles to negotiate due to cars parked on the road as roadside properties do not all have driveways.

85. Objectors have stated that the B6274 road is no longer safe to walk along and is dangerous for cyclists and horse riders. A section of National Cycling Network Route 165 follows the B6274 road through Caldwell (a length of approximately 350m) Some cyclists have reported 'near misses' with HGV's on this road. It has also been stated there are potential safety concerns for children travelling to and from school. Several objectors have stated that there is a strong possibility of a fatality on the B6274 due to HGV traffic.

#### *Location*

86. The majority of objections have stated that the development should be located on an industrial estate and that the existing rural location is not suitable for a large scale waste facility. Concerns are raised that the site would continue to expand and that a general industrial B2 use would be established.
87. Concerns are raised over the potential impact to local amenity, businesses and tourism including the holiday parks near to the site.

#### *Landscape and visual impact*

88. Objectors have stated that the site, and specifically the buildings, are a visual impact to the landscape. It was identified by objectors that the larger shed has not been built in accordance with the approved plans, being slightly larger and further to the east. Objectors also note that an additional lean-to structure, that they refer to as a 'nib' has been constructed between the two sheds forming the recycling facility. Objectors cite a range of discrepancies in the measurements of the plans approved by planning permission DM/15/01767/WAS and the as-built plans submitted with the current application.
89. Objectors have stated that the site is located within an Area of High Landscape Value and that the landscape in this location should be afforded a great level of protection and consideration. Objectors have provided photographs of the site from different viewpoints to show the impact of the site, specifically the larger shed, in the landscape. One objection has, incorrectly, stated the site is located within a National Park.
90. Objectors have criticised the non-native leylandii tree planting belt on the northern elevation of the site.

#### *Heritage*

91. Objectors raise concerns about the impact to heritage assets, specifically listed buildings, in the vicinity of the site. Many objectors state the value of the Grade II\* Listed Winston Bridge and potential for damage to this bridge from weight of traffic and direct damage from potential collisions. Objectors have also stated that the site has an impact on views from the Grade I Listed Church of St Andrew and Grade I Listed St Lawrences Chapel, and also that the development has had an impact on Gainford Conservation Area. It has been stated that archaeology should be considered as part of the application.

#### *Noise and Dust*

92. Objectors have raised concerns about noise both from the site itself and from HGV traffic travelling on the B6274 road. Complaints have been received in relation to dust

plumes from the site and also dust being found on cars and gardens that has been attributed to operations at the site and spreading of gypsum to land.

### *Hydrology*

93. Objectors have raised concerns that gypsum is washed from the application site into the River Tees through drainage and surface water runoff. This concern has also been extended to material that has been spread to land. It should be noted however that land spreading is not part of this application or controlled by planning.
94. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers.
95. Objectors have complained that the planning application for Planning Permission No. DM/15/01767/WAS was not accompanied by a Flood Risk Assessment (FRA) or drainage details and that the Council's Drainage Team was not consulted on that application. It was stated that the current application should be accompanied by drainage details and consultation carried out.

### *Application Process*

96. Objectors have complained that there has been a lack of consultation and that letters should have been sent to a wider area including Gainford, Caldwell, Fawcett, Carkin Barns, Eppleby, Hutton Magna and Ovington. It has also been stated that there was not a site notice at the entrance to the site.
97. Criticism has been made of the letters of support received and objectors refer to business or family links with the applicant or site, suggesting that supporters are not impartial.
98. It has been suggested that this application is linked with another proposal at Barforth Hall (reference DM/19/03878/WAS), although this has been subsequently refused.
99. Objectors have stated that the application should not be determined by a single planning officer and that it should be determined the Planning Committee.
100. Objectors have advised that they intend to pursue legal representation at public inquiry, if necessary.
101. Objectors have criticised the applicant for stating in the planning application form that the site cannot be viewed from a road or other publicly accessible location.
102. Objectors have stated that the application should be determined in accordance with planning policy and it has been suggested that the development conflicts with the County Durham Waste Local Plan, Teesdale Local Plan and County Durham Plan. It has been suggested that the proposal is materially similar to an application which was refused and dismissed on appeal for the nearby Lane Head Farm at Hutton Magna (reference 8/CMA/6/54)

### *Other Issues*

103. Objectors have raised concerns that the business (Agricore) has been sold to overseas investors and that a multitude of other companies are involved in the ownership of the

site. Speculation has been made that the business will expand due to demands from investors and that this expansion would be limitless.

104. Objectors have stated that a business case should be provided to demonstrate the need for the facility. Information relating to the source of plasterboard waste and the locations of gypsum customers was requested. In relation to this, objectors have stated that there are limits to the amount of gypsum that can be stored in fields and spread to land and also allege that many local farmers do not use the material.
105. Objectors have stated that the applicant has a conviction for the spreading of waste to land.
106. Whilst the applicant has provided an assessment of alternative sites, objectors have also suggested a range of alternative locations on industrial estates across County Durham and Darlington.
107. Objectors have queried and, in cases, alleged that the plasterboard waste contains hazardous materials including asbestos and that the plasterboard is, in itself, a potentially hazardous material that may be harmful to health.
108. Objectors have placed significant emphasis on Condition 1 of Planning Permission No. DM/15/01767/WAS, which states that after 5 years from the date of the planning permission the site shall be returned to agriculture. There is some confusion that the buildings themselves would be removed as part of the requirements of this condition but that is not the case. In relation to this, one objection has stated that the Council has considered the agricultural need for the buildings following the temporary period of use for plasterboard recycling.
109. Three objectors have forwarded a response that they have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene as in the response to Caldwell Parish Council (North Yorkshire).

### *Complaints*

110. Complaints have been raised for the duration of the application being considered, both through enforcement channels and within objection letters. The issues raised relate to vehicle movement limits being breached, operating hours not being adhered to, waste being outside of buildings, burning of waste, roads stained white from gypsum, white dust on gardens and cars, gypsum washing into the River Tees and plastic contamination within gypsum being spread to land.
111. *Council for the Protection of Rural England (CPRE)* – has objected to the proposal. They note the need for the product but consider the site to be wrong location for producing it and site impact to amenity for residents of villages such as Winston and impacts to road users including cyclists and other recreational users. Concern is also raised in respect of how far material is brought to the site from suppliers.

### *Support*

112. A total of 135 letters of support have been provided by the applicant from individuals and companies, the majority of which have been submitted anonymously. Supporters using the gypsum product have stated that the product from Hilltop Farm is a fantastic fertiliser and soil conditioner that is of particular benefit to soils with a high magnesium content. It is stated that the product provides good sulphur for crops and has no contamination. Gypsum is a cheap source of sulphur which assists with growing oil

seed rape and prevents disease in winter wheat, reducing dependence upon chemical spraying. It is stated that soil erosion has reduced, and the gypsum has acted as a natural pest repellent. The gypsum treated soil has better water infiltration and retention, allowing for reduced tilling and a resultant improvement in biodiversity value. Users of the gypsum product have stated that it has improved year on year and is a clean, contaminant free product.

113. The environmental benefits of recycling gypsum rather than mining virgin material have been stated. Customers using the gypsum product have also noted that they have had issues with waste plasterboard being flytipped on their land and state that any business able to make economic use of the waste should be supported.
114. Business customers supplying waste have stated the importance of having an efficient and well run facility for processing their plasterboard. It is noted that there are no other facilities in the area and the location of the proposed allows them to hugely reduce their carbon footprint whilst providing an economically viable service to customers and have stated they have always found the site to be clean and tidy with no dust issues.
115. Employees of the application site have stated that there is a team of 15 people employed and that it is a great place to work, providing stable employment and financial support. There is concern amongst the employees that if planning permission is not granted they would lose their jobs.
116. Local residents have stated that they have not experienced any issues from noise or dust from the site and state the benefits of the site to the local economy and for waste management in general. Residents have also stated that the impact of HGV traffic by the application site has been exaggerated and that it is not dissimilar to the general traffic supplying the rural area with transport for grain, liquid fertiliser, concrete, stone woodchip and livestock.

*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:**

117. Agricore is built upon a 3 generation County Durham farming business based at Hilltop Farm since 1978, steadily growing its agricultural produce business, and always looking for alternative ways to diversify and innovate, to steady the often unpredictable returns from farming.
118. In 2011 we set up Agricore as a farm diversification. We recognised the benefits of the recycled product, gypsum, as a soil conditioner on our farm and on the farms in the surrounding area at the time that national government legislation had changed, preventing plasterboard from being landfilled. We developed a business based on pushing waste up the 'waste hierarchy', recycling and reusing it, viewing it as a resource, and preventing it going to landfill.
119. This farm diversification scheme was a success. We were the only facility taking waste plasterboard in the north of England and our business grew rapidly
120. So in 2015, following consultation with your officers and the EA, we applied to build a facility to accommodate the growing business. Fast forward to 2020, thanks to this councils granting of the opportunity to succeed, our business is a diversification success story, now employing 15 full time, 85% of which are from County Durham, with at least 6 additional indirectly employed full time transporting plasterboard and gypsum. These

are local people, living in and around Barnard Castle, Teesdale, Bishop Auckland and Gainford, preferring to work nearer to home rather than travelling further afield.

121. In retrospect, our expectation was that we would build in 2015, grow quickly to maximum capacity and create the foundations for further growth to allow us to move to a disused quarry or industrial site. However, the reality is that it took 2 years to finance, build and commission the plant. In the time since, the tonnage of plasterboard we receive has plateaued and whilst still a successful business, fundamentally there is no further growth in waste arisings. We are already processing the majority of all the waste plasterboard in Scotland and the North of England, and we therefore have no justification for, and cannot finance another new facility nearby, having barely started operating this one.
122. Despite the current climate, we are back operating at 85% capacity following lockdown and pending this councils support, there will be no redundancies as a result of Covid-19.
123. Agricore has not stopped investing in better processing equipment, safety equipment, infrastructure and as a result, many local businesses who have built, fabricated, repaired and consulted, have benefitted from over £3M of investment in the last 5 years.
124. Our business now has over 60 active waste management customers and over 300 agricultural gypsum customers; In the first half of 2020, even during the Covid-19 shutdown, we delivered over 18,000t of agricultural gypsum to our customers, underlining the products' popularity amongst farmers both locally and regionally.
125. We acknowledge the objections and concerns raised by local residents. As operators, we have endeavoured to work with your Officers and the Environment Agency to ensure that the site is operated to the highest environmental standards. We have ensured that any substantiated complaints have been addressed immediately, but, I would stress that very few of the complaints have been formally substantiated by either your Officers or the Environment Agency.
126. We are aware that the main objection relates to vehicles on the highway. I would stress that the B6274 is classified as a freight route and there are a number of larger industrial farming operations in the area with large wagons movements associated with their operations, these operations can move any number of vehicles at anytime without restriction. Our business, in the interest of local amenity does not accept HGV's before 0700 or after 1700 and rarely accepts deliveries on a weekend.
127. In summary, Agricore is a successful local, family owned business, providing local employment and processing waste in accordance with the waste hierarchy to produce a valuable fertiliser for local farmers.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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128. 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, highway safety and access, residential amenity (noise, air quality and

dust, health and cumulative impact), tourism, landscape and visual impact, heritage, ecology, flooding and drainage, sustainability and climate change and other matters.

## Principle of Development

129. 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) and the remaining saved policies of the County Durham Waste Local Plan (WLP) and the County Durham Minerals Local Plan (MLP) comprise the statutory development plan and are 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. The WLP was adopted in 2005 and was intended to cover the period to 2016. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. The CDP replaces principle policies of the WLP with the remaining saved policies set out in the Policy section above.
130. 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.
131. The key policies for the determination of this application are County Durham Plan (CDP) Policies 47, 60 and 61. In addition, there are a number of applicable environmental protection policies both within the CDP and the WLP.
132. 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). Although saved policies of the WLP remain in place, the most important policies for the determination of this application are contained within the up to date CDP. Accordingly paragraph 11(d) of the NPPF is not engaged.
133. Objectors have stated that the proposal conflicts with CDP Policy 10 as being unacceptable development in the countryside. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for

by specific policies in the Plan. These specific policies are set out in footnote 56 and includes all applicable policies relating to waste development. On this basis CDP Policy 10 is not a relevant policy that can be used for determining waste planning applications.

134. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. Paragraph 7 of the NPPW says that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan.
135. CDP Policy 47 seeks to promote, encourage and facilitate the development of a sustainable resource economy in County Durham by ensuring through criteria a) that waste is managed in line with the waste hierarchy in sequential order. In particular it seeks to do this by 1) supporting proposals that minimise waste production; help prepare waste for re-use; and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials; and 2) resisting proposals for the disposal of residual waste via landfill or via the incineration of waste without energy recovery unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy. Criteria b) supports opportunities for on-site management of waste where it arises and encourages co-location of waste developments with industrial uses so that waste can be used as a raw material.
136. It is considered that the proposal is consistent with Policy 47 criteria a1. The proposal would be consistent with the development of a sustainable resource economy as if permitted it would help maintain both the capability and capacity of county's network of waste management facilities to recycle and recover value from waste gypsum-based construction materials. The proposal would be consistent with the waste hierarchy, following changes to the Landfill Directive and consistent with Environment Agency advice, rather than disposal to landfill, there is a need for facilities to recycle or recover value from waste products containing gypsum, such as plasterboard and it is therefore considered that the proposal would accord with criterion a1 of CDP Policy 47. The first part of criterion b) is not relevant to the proposed development as it relates to on-site management of waste where it arises, which is not applicable as the waste does not arise at the site. Policy 47 criterion b) also seeks to encourage the co-location of waste developments with industrial uses so that waste can be used as a raw material. In this instance the users of the majority of the gypsum product derived from plasterboard waste would be agricultural users, who would use the waste as a soil conditioner. Criteria c, d and e are not relevant to this proposal.
137. CDP Policy 60 is the key waste management policy in the CDP. It advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
138. With respect to Policy 60 criteria a) it is considered that the proposal will be compliant as the management of gypsum based construction materials through recycling and

recovery will contribute to the management of this waste stream in accordance with the waste hierarchy and will not prejudice the movement of waste up the waste. The recycling of plasterboard turns the waste into a product which can be applied to agricultural land, which has an agricultural benefit.

139. With respect to CDP Policy 60 criteria b) it is considered that the facility would allow County Durham and the North East region to be self-sufficient in the management of this waste as close as possible to its production. The proposed development is the only facility of its type in the County and is also the only facility of this scale and capacity in the North East, Cumbria and Scotland. The operator considers that waste throughput in 2019 is likely to be representative of the business going forward, notwithstanding any drop due to Covid-19. Waste Data Interrogator published by the Environment Agency, shows that for 2019 the North East region produced 14,726 tonnes of 'gypsum based construction material'. The permitted capacity of the site, as set out in the existing environmental permit, is up to 75,000 tonnes per annum and it is therefore considered that the development would achieve and exceed the required capacity to meet with local and regional net self sufficiency for managing plasterboard waste. Whilst some waste streams can be managed close to their production, a single site managing waste from a regional, and wider, supply base cannot be expected to be close to every producer. The site is, however, located central to the sources when taking into account travel distances, geographic populations and expected development levels (more development typically produces more waste). The site is located equidistantly between the furthest points in the North East, Yorkshire and Cumbria, and parts of south west Scotland at a distance of approximately 115km to 130km.
140. In relation to CDP Policy 60 criteria c) the evidence base, which supports the County Durham Plan, did not specifically consider the need for the recycling of gypsum-based construction materials, which is reflective of the specialist nature of this waste. However, the June 2018 study did show a surplus (118,800 tonnes per annum) in mixed material recycling capacity and a surplus of non-hazardous transfer capacity (817,300 tonnes) throughout the plan period to 2035. (The facility at Hill Top farm was included as non-hazardous transfer capacity in the June 2018 study). The June 2018 study was based on the principle of including all existing operational waste management, some of which has now been lost through closure with some additional capacity coming on stream. However, the approval of this planning application would result in the continued availability of the permitted treatment capacity; similarly the refusal of this planning application would result in the loss of permitted treatment capacity, which cannot be compensated for currently in other existing operational waste management facilities.
141. Paragraph 5.588 of the CDP considered the approach that should be taken to facilities which could assist in managing waste towards the top of the waste hierarchy, could contribute both to net and regional self-sufficiency, and could reduce disposal requirements. It advised that such proposals would be looked upon favourably where the proposal is acceptable in all other respects, taking into account all relevant Plan policies.
142. The proposed development would provide a facility for recycling of plasterboard and production of gypsum for use as a soil conditioner. Based on information received from the applicant, the development would divert in excess of 99% of received waste away from landfill or other disposal without recovery and therefore moves waste up the waste hierarchy. The development would co-locate waste processing, manufacturing and distribution on the same site. Without this facility the plasterboard waste originating from County Durham and the North East would need be managed outside the area at alternative treatment facilities. The development would provide capacity to achieve local and regional self sufficiency for management of plasterboard waste in accordance with CDP Policies 47 and 60, and Paragraph 7 of the NPPW.

143. CDP Policy 61 states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
  - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
  - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and
  - d) can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
  - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.
144. The proposed development is not within any internationally, nationally or locally designated sites or within the Green Belt and therefore complies with criteria a) and b) of CDP Policy 61. Specialist waste facilities of the type proposed provide service to a wide geographical area, not necessarily restricted to the County, and cannot, practically, be located close to the majority of waste arisings. Facilities of this type should, however, still minimise the effects of transporting waste. To do this the operator encourages suppliers to transport loads in bulk using articulated HGVs with fully enclosed 'walking floor' trailers or sheeted tipper trailers. Maximising the load per vehicle reduces the number of trips and ensuring the load is fully secured prevents any waste from being deposited. In addition to the import of waste to the site, vehicles are also used for distributing the gypsum product to customers. Whilst some deliveries from the site necessitate the use of tractor and trailer for access reasons, the majority of deliveries are by HGV which improves efficiency and reduces vehicle movements. The site is located directly onto the B6274 road, which is identified as part of the freight network. The B6274 connects to the A67 road 1.6km to the north and the A66 trunk road 10.6km to the south. The location therefore seeks to minimise the effects of transporting waste as far as it is practicable having regard to criterion c) of CDP Policy 61 and also the balance against the need to be located in close proximity to the customers using the gypsum product, which is discussed below.
145. The adopted planning policy framework does not present a sequential approach for determining the acceptability of the location for waste development and a site cannot be dismissed on the basis that a better site may be available. The site must be assessed on its merits.
146. In respect of criterion d) of CDP Policy 61 the proposed development would be located immediately adjacent to a part of Hilltop Farm, which retains a permanent planning permission for plasterboard recycling with a capacity of up to 10,000 tonnes per annum. Whilst subordinate in capacity and scale to the proposed use, it must be weighed in the balance as an existing waste management facility, although not currently operational, that would be co-located with the proposed facility. In addition, and of primary consideration, is the co-location of the specialist waste recycling facility with production of gypsum that can then be used as an agricultural soil conditioner for land both in close proximity to the site and further afield. The applicant has provided information identifying where gypsum has been provided to agricultural customers including frequency of deliveries and tonnages. This is commercially sensitive information that cannot be reproduced in detail due to a risk of unfair advantage for competitors,

however, the applicant has agreed, for the purposes of policy consideration, that cumulative data for set radii can be disclosed. The data shows that 20% of the gypsum produced for agriculture is distributed within a 5 mile radius of the site and accounts for approximately half of the farmland within this area. Approximately 55% of the gypsum produced is distributed with a 10 mile radius and approximately 80% is distributed within 15 miles of the site. The information demonstrates that the site is located in close proximity to outlets for the majority of the recycle/product that is produced by the facility. In addition, there remains a significant portion of land with 5, 10 and 15 mile radii that does not currently receive gypsum but could be customers in the future.

147. The development has now been in operation since 2011 and has consistently found an outlet for the agricultural gypsum product since this time. The product is made entirely at the proposed site. Spreading of gypsum to land is regulated and there are limits on tonnage per hectare (currently 1 tonne per hectare, per annum), which objectors have drawn attention to in their submissions. The applicant has forecast a continuing demand for the product as a soil conditioner from existing customers, as has been demonstrated by annual and biannual repeat orders. Sufficient land is available from existing customer holdings to distribute 80% of the annually produced gypsum within 15 miles of the proposed site. It is therefore considered that the long-term reliance upon agricultural customers for distribution of the agricultural gypsum product has been demonstrated to be both feasible and sustainable.
148. Alternative sites on land allocated for employment use, or previously developed land have been suggested by objectors to the proposal. The applicant has provided an assessment of alternative sites including quarries (Kilmondwood Quarry, Hulands Quarry, Forcett Quarry and Barton Quarry) industrial estates at Newton Aycliffe, Barnard Castle, Darlington, Richmond and Northallerton and dismisses them due to lack of available land, distance from customers and staff, proximity to sensitive of uses or receptors or inaccessibility with a tractor. Objectors have also suggested a range of alternative locations on industrial estates across County Durham and Darlington. As set out above, the assessment of the location of the development should be based on the acceptability of the proposed site, not the availability (or lack thereof) of alternative sites.
149. Based on the submitted information it is considered that the proposed site would allow for co-location of the waste recycling facility with complimentary activities in the form of agricultural gypsum production (which represents 80% of the production output); the site would be located in close proximity to customers of the agricultural gypsum product and is considered to be a feasible and sustainable option. It is therefore considered that the proposal therefore would accord with criterion d) of CDP Policy 61.
150. For compliance with CDP Policy 61 development should accord with criteria a), b), c) and d) OR e). In this case the development has demonstrated compliance with criteria a), b), c) and d), however, for completeness it will also be assessed against criterion e).
151. Criterion e) requires development proposals to demonstrate that they can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where; 1) they are to be located on a strategic or specific use site, which may not be appropriate for waste development; or 2) where they are they are waste management facilities that genuinely require a rural or outdoor location and can meet the following detailed acceptability criteria:
  - i. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
  - ii. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
  - iii. using existing areas of hardstanding for outdoor compositing operations.

152. The proposed site would not be located on land identified for employment use or on previously developed land in a larger town or village. The applicant has demonstrated that the development is located close to agricultural gypsum customers, but it does not necessarily follow that the development genuinely requires a rural location. The development, when approved in 2011 was considered to be a farm diversification project and, whilst there is no defined limit on the scale of development before it is no longer diversification, it is considered that the development is a self sufficient, standalone business. Indeed, the application site is physically separated from the farm from which it originated with its own utilities and workforce. The buildings comprised in the development are not small scale new builds or extensions to existing farm buildings and the development is not for composting.
153. The final paragraph of criterion e) states that all proposals for farm based waste management facilities will be required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that the waste to be managed arises either on site or within the local area. Whilst Hilltop Farm is, physically, a large agricultural steading the management of waste and production of agricultural gypsum extends beyond the scale of Hilltop Farm and the development cannot be considered to accord with this paragraph. Objectors to the proposal have read this paragraph in conjunction with CDP Policy 61 as whole but that is not how it should be interpreted; it should only read as part of criterion e).
154. The final paragraph of CDP Policy 61, which should be read with the Policy as a whole, states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. These issues will be examined in detail in the relevant sections below.

#### Highway Safety and Access

155. Paragraph 108 of the NPPF states 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. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
156. WLP Policy W29 requires that waste development incorporate measures to minimise transportation of waste. WLP Policy W31 states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable. WLP Policy W32 states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles. WLP Policies W29 and W31 are considered to be consistent with the NPPF and can be afforded full weight in the determination of the application. WLP Policy W32 is only partially consistent as it does not fully reflect Regulation 122 of the CIL Regulations and therefore it can only be afforded limited weight in the decision making process.
157. The site is accessed from the B6274 road via a private access track of approximately 360m in length. Traffic from the site reaches either the A67 road to the north via the

village of Winston or the A66 trunk road to the south via the villages of Caldwell and Forcett. The B6274 is identified as being part of the freight network. As part of Planning Permission No. DM/15/01767/WAS the farm access was moved approximately 30m south of its original position in order to widen the visual splays. The hedgerow has been extended to cover the original access point in accordance with the approved landscaping scheme. The current application proposes daily vehicle movement limits of 60 (30 in and 30 out) with weekly average of 240 (120 in and 120 out). Planning Permission No. DM/15/01767/WAS permitted a daily vehicle movement limit of 40 (20 in and 20 out) equivalent to the same weekly total as the proposal of 240.

158. A Transport Statement (TS) has been submitted in support of the application. The TS provides background the proposal including the planning permission limits from 2011 and 2015 and an assessment of annual HGV movements for the preceding 4 years (2016, 2017, 2018 and 2019). The annual vehicle movements are broken down into quarters and this shows that quarter 3 is typically the busiest time of the year. The data also shows that for 2019 the daily average of vehicle movements was 34 (spread across a 6 day working week) comprised of 33 HGV movements and 8 Tractor movements (permitted maximum of 40). The applicant has stated that the operating level of 2019 is likely to be representative of future demand due this being pre-Covid 19 and with the majority of plasterboard waste arisings accounted for from the supplying areas. The TS provides a detailed analysis of an example week from September 2019 to assess daily and hourly fluctuations in vehicle movements. The busiest hour is 0700-0800 generating a daily average of 5 vehicle movements, although Monday was notably busier than other days with 8 movements in the same hour (5 in and 3 out). Average hourly flows between 0900 and 1500 were less than 3 vehicle movements.
159. The TS provides an analysis of vehicle movements for February 2020. This shows that the daily maximum vehicle movement limit was breached on several occasions for that month but, due to daily fluctuations in demand, the weekly total was always below 240 (240 being the sum of the daily limit of 40 across the permitted 6 day working week). The assessment notes that 15% of the vehicle movements in February were by Tractor. The TS also provides comments on traffic survey data collected by residents and notes that this shows a relatively even split of north and south traffic on the B6274 road.
160. The TS concludes that the generated volumes of HGVs associated with the development are not substantial but that daily fluctuations are significant. It therefore recommends that any future planning condition should be based on weekly rather than daily limits. It is further suggested that tractors are not restricted by this limit.
161. The key issue raised in responses from almost all objectors is in relation to traffic and specifically HGV's travelling to and from the site. It is stated that the B6274 road is too narrow to accommodate HGV traffic and the road and verges have been damaged and eroded from this type of vehicle. Concern is raised that the weight and volume of HGV traffic will cause damage to the several bridges on the route of the B6274 road
162. Residents in the Caldwell and Winston have complained about the current and proposed impact of HGV traffic. Residents in Winston have stated that the village was bypassed to reduce the volume of traffic and the suitability of the B6274 as being part of the freight route network is contended.
163. A road width analysis of the B6274 has been produced which shows that of the 88 measured points, 51% of the road is below the minimum width requirement for 2 way traffic. The cumulative impact of the proposed development with traffic from the proposed development at Barforth Hall for a retaining bund (now refused) is raised as a concern, as is the impact to the Grade II\* Winston bridge on this road. Residents of

Winston have stated that the village is difficult for large vehicles to negotiate due to cars parked on the road as roadside properties do not all have driveways.

164. Objectors have stated that the B6274 road is no longer safe to walk along and is dangerous for cyclists and horse riders. A section of National Cycling Network Route 165 follows the B6274 road through Caldwell (a length of approximately 350m) Some cyclists have reported 'near misses' with HGV's on this road. It has also been stated there are potential safety concerns for children travelling to and from school. Several objectors have stated that there is a strong possibility of a fatality on the B6274 due to HGV traffic.
165. The County Durham freight map is a published map of roads in the County that are suitable for freight traffic. It is available to view on the Council's website. The freight map shows the designated road network that the drivers of heavy goods vehicles are expected to use to access destinations within the County. The purpose of the map is to ensure as far as possible that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. The B6274 road is identified by the freight map as being suitable for HGV traffic.
166. Highways Officers from County Durham and North Yorkshire have considered the proposed development and taken into account the submitted TS and comments from local residents. DCC Highways officers have advised that although recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including traffic from the application site. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the proposed level of HGV traffic to and from the application site.
167. In response to the suggestion by objectors that the road is too narrow to accommodate HGV traffic DCC Highways officers have advised that the B6274 is not atypical in having a historic horizontal alignment in places where two HGV's may have difficulty in simultaneously passing, or, where this is not possible. However, such roads can and do function generally satisfactorily despite this, not least due to the relatively low traffic flows they are subject to. Officers state that the B6274 is, and would remain even with the proposed development, a relatively lightly trafficked road.
168. DCC highway maintenance colleagues have confirmed there is no aspect of Agricore's operation deemed directly attributable to highway damage as opposed to other lawful traffic, such that a planning condition for highway improvements would meet all relevant tests or be appropriate. In respect of Winston Bridge, officers advise that it is subject to regular inspections in accordance with standard management practices. The last inspection, undertaken in 2018, concluded that the bridge was in good condition following completion of an extensive refurbishment scheme that addressed issues previously identified in a detailed Principal Inspection undertaken in 2014. The issues identified were not considered to adversely impact on the structural capacity of the bridge but were addressed to slow or prevent further deterioration. The issues identified in 2014 included paint loss and corrosion of pattress plates to the elevations. This defect was not considered to be critical to the structural integrity of the bridge.
169. Specific consideration of amenity impact to roadside communities is set out in the residential amenity section below.
170. Whilst residents may see traffic from the proposed development as being significant the assessment provided and comments from Highways officers from DCC and North Yorkshire Council indicate that the traffic generated from the development is relatively

low and can be safely accommodated on the highway without undue risk of damage to the road or conflict with other road users. To ensure daily traffic is maintained at a reasonable level it recommended that a condition be imposed limiting daily vehicle movements to 60 (30 in and 30 out) with a weekly average of 240. For clarity, the vehicle movement limit would apply to HGVs and tractors as the impact is considered to be similar from both. A condition is also recommended to ensure vehicles leaving the site are sufficiently clean so that mud and waste are not deposited on the highway. It is considered that the highway impact of the proposal would be acceptable and would not amount to a severe residual cumulative impact. Subject to the proposed conditions it is considered that the proposal would accord with CDP Policy 21, WLP Policies W29, W31 and W32, Part 9 of the NPPF and Paragraph 7 of the NPPW.

## Residential Amenity

171. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 7 of the NPPW states that When determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (of the NPPW) and the locational implications of any advice on health from the relevant health bodies.

CDP Policy 31 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 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 locating of 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. CDP Policy 61 states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. WLP Policy W31 states that waste development will only be permitted if the amenity of roadside communities is protected and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

172. The nearest settlements to the application site are the villages of Winston approximately 800m to the north west, Gainford approximately 2.2km to the east, Caldwell approximately 3km to the south and Ovington approximately 2km to the south west. The nearest residential property is located at Hilltop Farm itself, approximately 150m from the application site. The next nearest properties are located at the Hamlet of Winston Gate approximately 300m to the west. Hedgeholme Farm is located approximately 320m to the north. A cluster of properties including Hill Top East, Woodlands, Green Hill and Moor House Farm are located approximately 550m to the south east. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south. Whilst some properties are set back from the B6274 the majority are located close to this road and are affected by traffic using it.

173. The development would be contained within the existing buildings on the site and is set back approximately 430m from the B6274 road. Existing farm buildings to the west, trees and hedgerows to the north and the earth bund to the south provide a degree of screening for the site in respect of noise and visual impact.

174. The key issues in respect of residential amenity relate to the noise, vibration and perception of HGVs transporting waste plasterboard and recycled gypsum to and from the site. The amenity impacts of noise and dust from the site itself have also been raised by objectors.

#### Noise

175. A noise assessment has been submitted in support of the application following a request from Environmental Health and Consumer Protection officers. This assessment uses the Calculation of Road Traffic Noise (CRTN), basic noise level calculation to assess the potential effects of noise along the B6274. This calculation was based a traffic of HGV movements on a specific day (19 March 2020). A BS 4142:2014 assessment of the site itself has also been provided. The assessment provides noise level measurements from within the site 5m away from main noise source (extraction equipment on the west elevation of the large shed), residual sound level on site without plant operating and background sound level on the boundary with nearest noise sensitive receptors at Winston Gate (430m to the west)
176. The noise assessment concludes that the difference in road traffic noise with and without HGV traffic from the proposed development is 0.4dB, which is classed as being negligible. The noise level from the site itself has been assessed as 29dB at the nearest noise sensitive, which is 10dB less than the background level for that receptor and is therefore also a negligible impact.
177. Environmental Health and Consumer Protection officers have considered the application and submitted noise assessment. Officers have noted that the assessment demonstrates that the traffic associated with the business has little impact on the overall noise climate, increasing the decibel level by 0.4dB. This is considered to be negligible change in impact magnitude. However, it should be clarified that this difference change is based on an 18hr average and as such does not take into account the potential impact associated with the peak noise level when vehicles pass properties. However, from the vehicle count and noise information provided it appears that the road is fairly well trafficked (average of 40 vehicles both light and heavy an hour) and as such peak noise level from passing vehicles would not be considered outside of the existing character of the locale. The assessment also considered the noise arising from the operation itself. The outcome demonstrates that the noise arising is based on direct propagation, assuming no barrier effects, has a rating level of 10dB below background at the nearest receptor. This therefore indicates that the noise impact is negligible and as such at a "no observed impact level". Officers note the proposal to increase the daily maximum vehicle movement limit but consider that if the overall weekly maximum is unchanged then it would not lead to increase in noise level above 'negligible'.
178. Objectors have stated that noise from the site and HGV movements can be heard from as early as 04:30am and also late into the night on occasion. Conditions of the existing planning permission prevent working outside of the hours 0700 – 1900 Monday to Saturday with deliveries only between the hours of 0700 – 1700. However, the agricultural business operating from Hilltop Farm is not restricted to any set hours and it is not unusual for HGVs associated with the farm to arrive very early in the morning and for work to continue late at night, particular in summer months, as is the case for most agricultural enterprises.
179. It is accepted that HGV traffic associated with the existing proposed operations would have a noise impact, but it is considered that this is not of an unacceptable level, or uncharacteristic for the locale. Due to the distances to noise sensitive receptors the general noise level from the plant is not significant and although there may be noise 'incidents' such as a loader bucket being dropped, this is considered to not be

detrimental to residential amenity. It is therefore considered that the development would not create noise pollution detrimental to residential amenity in accordance with CDP Policy 31, WLP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

#### Air Quality and Dust

180. The proposed development would recycle waste plasterboard through crushing and screening to produce granular gypsum. This is a very fine grained grey/white material and the process has a tendency to be dusty if not adequately controlled. The applicant has developed the process and dust control measures over time. This now includes air extraction and mist sprays on processing plant. Vehicles are washed before leaving the site and the yard regularly dampened down and cleaned. Consultees have not requested additional assessment of dust or air quality.
181. Environmental Health and Consumer Protection officers have noted that the development has the potential to generate dust associated with operations and plant on the site and vehicle movements and also note that a significant number of objections have been raised in respect to this application and a large proportion of the objectors raise concerns relating to dust and air quality. Officers have advised that the site is regulated under the Environmental Permitting (England & Wales) Regulations 2016 SI 1154 (as amended) through permits issued by both the Environment Agency and Durham County Council; both permits include conditions which restrict emissions of dust from the site operations. Should planning permission be granted the development would continue to be regulated by the Environment Agency and the Council's Environmental Health and Consumer Protection Team. Officers note there are a number of concerns stated in relation to dust from vehicles attending and leaving the site and it is suggested that a condition be imposed ensuring that vehicles are cleaned with water run-off captured for re-use and correct disposal.
182. Objectors have stated that plumes of dust can be seen rising from the site when vehicles are being loaded and unloaded. Concerns have also been raised regarding white dust settling on cars and gardens in the area. It is the case that 'tipper' HGV's cannot deposit their loads of waste plasterboard inside the waste reception building due to the internal height restriction. Instead, these vehicles tip their loads at the entrance to the reception building and a loader then immediately moves it inside. It is quick process and waste plasterboard is not routinely stored outside. The concern that white dust appearing on cars and gardens is gypsum from the application site is unlikely given the particle size, distances to neighbouring properties and prevailing wind (south westerly). Any gypsum dust leaving the processing buildings and yard would likely be deposited on the roofs of the buildings or on the land to the immediate north east of the site (in the applicant's ownership). Aerial photographs of the site confirm white staining or dust on the building roofs in 2018 but this had significantly reduced in 2019. Visual inspection around the perimeter of the buildings in 2020 confirmed no evidence of gypsum dust on the outer edges of the site. If dust was leaving the site in quantities sufficient to be noticeable on cars and gardens more than 300m then this would also be present on the intervening land and buildings but that does not seem to be the case. However, in an agricultural area where soil cultivation and spreading of soil conditioners, including gypsum, and fertilisers is commonplace it is possible that general agricultural activity would produce dust that could spread to private property. For clarity, the spreading of the gypsum product to agricultural land is not part of this proposal and is not a material consideration in the determination of the application.
183. The Environmental Health and Consumer Protection officer has advised that the site is located in a rural area and there are no Air Quality Management Areas that have been declared for any of the 8 air quality pollutants in the vicinity of the facility and also the

villages of Winston and Caldwell. Since the area is rural the existing air quality may be described as good and this is shown by the predicted background levels of PM10 and PM2.5 for both locations in Caldwell and Winston. For example, the predicted background level of PM10 in Caldwell for 2019 was 10.3 µg/m<sup>3</sup> and in Winston was 9.52µg/m<sup>3</sup> and for PM2.5 was 5.99 µg/m<sup>3</sup> in Caldwell and 5.77 µg/m<sup>3</sup> in Winston. It is very unlikely therefore, given the predicted background levels of PM10 and PM2.5, that receptors in Winston and Caldwell would experience levels of these air quality pollutants that exceed the annual mean air quality objective (40 µg/m<sup>3</sup>). Any emissions of dust from the raw material received at the Agricore processing facility are more likely to comprise of larger, visible particulates (dust) that are classified as above 10 microns but below around 76 microns. Once the material has been processed there is an increased risk of emissions of smaller fractions of particulates of below 10 microns. The process is, however, subject to the Environmental Permitting (England And Wales) Regulations 2016 and Environmental Permits, issued by the Local Authority and the Environment Agency, regulate and would continue to regulate the development. In conclusion, with regards to emissions of dust from the site the Environmental Permits would be in place to ensure that no significant pollution arises from the site.

184. It is therefore considered that the development would not produce emissions or detrimentally impact on air quality in accordance with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

#### Vehicle Movements

185. It is considered that the main amenity impact of the proposed development is not the site itself, but the indirect impact of vehicles associated with the delivery of plasterboard and distribution of gypsum product. These materials are typically transported by articulated HGV or, where necessary because of access constraints, tractor and trailer. This type of vehicle, whilst not exclusively travelling to the application site, is more noticeable in a rural setting and is less likely to assimilate with other traffic in the area. There is therefore a measurable actual impact from vehicle movements and also a perceived impact due to higher prominence from the type of vehicle.
186. WLP Policy W31 states that waste development will only be permitted if, amongst other issues, the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
187. As set out in the Highways section above, DCC Highways officers have advised that although recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including traffic from the application site. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the proposed level of HGV traffic to and from the application site. Whilst an accurate break down of the ratio of HGVs to other traffic is not known it is accepted that HGV traffic on the B6274 road is not exclusively related to the proposed development with all of the farms on this road requiring bulk deliveries of feed and other supplies, and also requiring transport for livestock and harvested crops. HGV traffic is therefore not incongruous to the area.
188. The proposed development seeks to maintain the equivalent weekly vehicle movement limit of 240 (120 in and 120 out) set out in planning permission DM/15/01767/WAS but proposes to set a higher daily movement limit of 60 (30 in and 30 out) to allow for daily fluctuations. This is representative of how the site worked in 2019 so is a regularisation of the actual pre-Covid-19 level rather than an increase. The submitted Transport Statement (TS) notes that there are daily and hourly fluctuations in vehicle movements,

with peak flows in the morning between 0700 and 0900 and typically lower numbers between 0900 and 1500 before a slight increase to the close of business at 1700. The example data submitted with the TS shows a peak average flow of 5 vehicle movements (total) for the period of 0700 – 0800 but this reduces to an average of 3 vehicle movements per hour for the period 0900 – 1500. The TS also comments on the split of vehicles approaching or leaving the site from the north or south. This appears to vary daily but overall, there seems to be a relatively even split. For the purposes of assessing the impact it is assumed that approximately half of the traffic associated with the development approaches or leaves the site to the north through Winston and the other approaches or leaves the site to the south through Caldwell. As there are no residents living directly opposite the site it can be assumed that any roadside property on the section of the B6274 between the A67 and A66 is passed by approximately half of the total vehicle movements associated with the development.

189. The application proposes a maximum daily vehicle movement limit of 60 (30 in and 30 out) and therefore, based on the assumptions set out above, over the course of the working day (0700 to 1700) the maximum vehicles associated with the proposed development passing any individual property would be approximately 30 per day, or an average of 3 per hour. The submitted TS provides data for February 2020 which indicates that on average across the working week daily vehicle movements equate to 33, equivalent to less than 2 per hour passing any individual property. In either situation the demonstrable impact of vehicles travelling to and from the site is low.
190. As set out above, the alternative facet to considering the impact from vehicle movements is how they are perceived. HGV traffic and, to a lesser extent, the tractor and trailer associated with the proposed development are large, prominent vehicles that generally move more slowly than other road vehicles and are visible for longer. This is particularly true in Winston where residents' cars parked on the road partially obstruct access and there is a tight junction turning down to Winston Bridge that large vehicles have to negotiate slowly. Motorists driving on the B6274 may become held up behind one of these vehicles or have to take extra care when passing them from the opposing direction. These circumstances create a perception that the traffic associated with the development is more prevalent and more significant than it actually is. However, it is clear from the number of objections to the proposal that the perceived impact is sufficient to cause a degree of harm even if the actual impact is very low. On this basis it is considered that vehicle movements associated with the proposal would cause an adverse, but not unacceptable amenity impact. The proposal would therefore not conflict with the amenity protection requirements set out in CDP Policy 31, WLP Policy W31, Part 15 of the NPPF and Paragraph 7 of the NPPW.

## Health

191. Objectors have raised concerns that dust and contamination of water from plasterboard and processed gypsum may cause an impact to health. Concerns are also raised that waste brought to the site may contain asbestos.
192. Plasterboard is essentially just gypsum with paper backing. Gypsum is a non-hazardous and non-toxic mineral and plasterboard is a ubiquitous modern building material. Whilst some other waste fractions, such as wood, plastics and metal, arrive with the plasterboard this is a very small percentage of the overall amount of material received and this is separated into skips for treatment or disposal elsewhere. The site does not accept asbestos and in the event that any was received it would be easily identified amongst the plasterboard and quarantined for appropriate disposal. This is no different to any other site dealing with construction and demolition waste. All vehicles transporting plasterboard and gypsum are sheeted to contain the loads and prevent dust being spread.

193. The Environment Agency has investigated claims that gypsum from the site is polluting the River Tees. Officers have confirmed that there is no evidence of any contamination from the site in the river.
194. As set out above, the nearest residential property to the site is located more than 300m to the west and there are no public rights of way in the vicinity of the site that could be affected by the development
195. The assessment of the application has shown that there are no impacts to human health and it is therefore considered that the proposal would accord with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in respect of health.

#### Cumulative Impact

196. CDP Policy 31 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. WLP Policy W35 states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.
197. The proposed use of the site for plasterboard recycling is unique in this location with other employment uses being primarily agriculture or tourism. The development would not create a cumulative impact with other waste uses in this area as there are no other waste sites. The scale of farming in this area does mean that deliveries and exports of feed, livestock and produce regularly are by HGV on a daily basis so there is a degree of potential cumulative impact with agricultural activity. Similarly, Hilltop Farm itself generates vehicle movements from farm deliveries and exports. Objectors have, however, disputed this and claim that the majority of HGV traffic on the B6274 road is associated with the application site. However, as set out in the section above, the conclusion of the Transport Statement is that the B6274 road is not heavily trafficked, even taking into account the proposed daily increase of vehicle movements from the application site, and this view is accepted by Highways officers from both County Durham and North Yorkshire. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policy 31, WLP Policy W35 and Paragraph 5 of the NPPW.

#### Summary of Amenity Issues

198. Paragraph 183 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
199. The Council's Environmental Health and Consumer Protection Team and the Environment Agency have advised that existing environmental permits provide adequate controls of the process at the site and would continue to do so if the planning permission is granted. Whilst both regulators have noted that improvements could be made in relation to dust control the issues are not significant or insurmountable and should not be a barrier to granting planning permission. Environmental Health officers

have advised that where complaints have been received, they have been resolved, this being that there was either no evidence of a problem or where evidence of a problem was found the matter was corrected. Statutory nuisance has not pursued as the site has two environmental permits, one from DCC and one from the EA; in general where it appears that conditions were not being complied with the company was made to comply; this would therefore negate any possibility of statutory nuisance either existing or arising. In relation vehicle movements the impact has been assessed as being acceptable and with the imposition of conditions to control movement limits, times of operation and cleaning and sheeting of vehicles any residual harm should be limited.

200. In addition to the environmental permits controlling the process, conditions are recommended to restrict hours of operation, limit vehicle movements and ensure vehicles are clean prior to leaving the site. Subject to these conditions it is considered that the proposal would accord with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW.

## Tourism

201. Concerns have been raised in relation to the potential impact to local businesses and tourism including the holiday parks near to the site. The main issue is the concern of traffic associated with the site impacting on both the perceived and actual safety and accessibility of the highway network for walkers, cyclists, horse riders and motorists. Objectors have stated that they feel it is too dangerous to walk, cycle or ride on the B6274 due to HGV traffic from the site and that is likely to affect the enjoyment and future growth of tourism in the area. There are two policies in the County Durham Plan relating to specifically to tourism. CDP Policy 7 relates to visitor attractions and CDP Policy 8 relates to visitor accommodation. However, neither policy sets out criteria for assessing development which may have an impact on tourism and the policies are therefore considered to be not applicable in this case.
202. The site itself has no signage at the entrance, any unusual structures or anything visible from a public viewpoint that would indicate that it is anything other than a large farm. The distance of the site from any public right of way, tourist destination or accommodation limits the impact of the site itself on tourism to a very low or negligible impact. Potential impacts to tourism are likely to occur from the indirect effects of transporting plasterboard to the site and distributing the gypsum product.
203. The B1280 for the majority of its length between Winston and the A66 does not have a footpath and in places the verges are very narrow or sloping making this an unsuitable route for walkers with or without HGV traffic. Footpaths are present in the villages of Winston and are therefore considered to be a necessary addition on this road in populated areas. It is considered that there is an inherent risk to walkers using the B6274, an unrestricted road, as a walking route outside of areas with designated footpaths or streetlighting and this should not be a reason to preclude motorised traffic, including HGVs from using this road. Although there are not many public rights of way in the area, there are footpaths that cross the B6274 at several points on the stretch between the A67 and A66. The submitted Transport Statement asserts that this is a lightly trafficked road, even with the traffic from the proposed development, and it is therefore considered that the impact to recreational walkers would be very limited and would not increase the existing danger posed to non motor vehicular users of the B6274 to a degree which would warrant refusal of the application
204. There are no specific tourist attractions on the B6274 road between the A67 and A66 and whilst local residents may associate HGV traffic in the surrounding area beyond this stretch of road with the proposed development it is unlikely that a visiting tourist would make the same connection, or register the presence of an HGV as being unusual.

Any road impacts, including delays for people travelling this road, are unlikely to be a deciding factor on most decisions of whether or not to visit the area or other parts of County Durham

205. There are two tourist accommodation sites in close proximity to the proposed site and accessed from the B6274. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south. Winston Bridge Caravan Park is set back more than 300m from the B6274 and is accessed via Ovington Lane. This site has direct access to the River Tees and public Footpath No.1 (Barforth Parish). Due to the vegetation and topography, which effectively screens the site from the B6274 it is unlikely that visitors would note any negative impact from HGV traffic associated with the proposed development.
206. Hillcrest Park is a caravan, lodge and camp site. The site is not located close to any public rights of way and is accessed directly from the B6274. The northern areas of this site overlook the B6274 and are potentially impacted by views of road traffic and the associated noise from these vehicles. Additional traffic from the proposed site would add to this impact. However, planning permission for the area of Hillcrest Park situated in close proximity to B6274 was granted conditionally subject to the implementation of a landscaping scheme to screen views of the site from the road. This landscaping scheme has not yet been completed and therefore the actual and perceived impact of HGV and other road traffic from the B6274 is likely to be more pronounced at Hillcrest Park than it should be. Notwithstanding this, most of the caravan pitches, cottages and camping areas at Hillcrest Park are well screened from the road by buildings and existing planting. It is considered that there would be an impact to Hillcrest Park but not to a significant level and this impact could be mitigated through the additional planting proposed for Hillcrest Park.
207. National Cycle Route 165 shares the B6274 road for approximately 350m through the village of Caldwell. Given the 30mph speed limit through Caldwell and the very short section where interactions with site could occur it is considered that the impact from the development on NCN route 165 is very limited. It is, of course, accepted that cyclists can make use of any part of the B6274 road and data from Strava shows this to be a popular route. The section of the B6274 road from the A67 to the A66 is approximately 12km and with a very modest pace it would take approximately 1 hour for a cyclist to traverse this length. Assuming an even distribution of vehicle movements across the working day (0700 to 1700) and the maximum vehicle movements being reached (30 in and 30 out) it is possible that a cyclist would pass 6 HGVs from the site while on this road. There are limitations to this assessment; traffic data shows there are peak traffic flows at the site, particularly in the morning and generally a lull at midday and early afternoon. Data from the submitted Transport Statement shows a peak of 8 vehicle movements being recorded between 0700 and 0800 and between 0900 and 1500 HGV traffic flow is limited to an average of 3 per hour. Therefore, for the majority of a normal working day a cyclist using the B6274 road between the A67 and A66 is likely to see only 3 HGVs associated with the proposed site. It is considered that this is not uncharacteristic of a B class road and would not diminish the enjoyment of the locality for a cyclist.

#### Landscape and visual impact

208. CDP Policy 39 states that 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the

benefits of development in that location clearly outweigh the harm. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.

209. WLP Policy W6 states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.
210. Hilltop Farm is located in the Tees Lowlands landscape character area. The lowlands of the Tees form a broad plain that merges with the gentle dip slope of the Magnesian Limestone escarpment and the low hills of the Pennine fringe in the north. The topography is gently rolling or undulating with low lying 'flats' and 'carrs' and areas of more undulating terrain relating to pockets of fluvio-glacial sands and gravels. Soils are heavy drift-derived surface water gleys, with pockets of brown earths on gravels, and earthy peats in poorly drained carrs.
211. Agricultural land use is mixed but predominantly arable. Field systems are 'sub-regular' in pattern and largely date from the enclosure of open town fields in the 16th and 17th centuries. They have been heavily fragmented by the amalgamation of arable fields in the 20th century. Hedgerows tend to be cut low and regularly trimmed. Tree cover is generally low with scattered hedgerow trees, principally Ash and Oak, though some areas are rich in trees. In the carrs field boundaries are water-filled ditches, often supplemented by fences.
212. Objectors have stated that the site is located within an Area of High Landscape Value and that the landscape in this location should be afforded a great level of protection and consideration. Objectors have provided photographs of the site from different viewpoints to show the impact of the site, specifically the larger shed, in the landscape. One objection has, incorrectly, stated the site is located within a National Park and a further objection has criticised the non-native *leylandii* tree planting belt on the northern elevation of the site.
213. The site is not located within any landscape designations. Prior to the adoption of the County Durham Plan the site was within an Area of High Landscape Value covering a wider area, as designated in the Teesdale Local Plan. As it is no longer the case the former landscape designation is no longer a material consideration. An Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the immediate north of the site (6m to the north of the smaller building) and extends south on the western side of Hilltop Farm.
214. Objectors have stated that the site, and specifically the buildings, are a visual impact to the landscape. It was identified by objectors that the larger shed has not been built in accordance with the approved plans, being slightly larger and further to the east. Objectors also note that an additional lean-to structure, that they refer to as a 'nib' has been constructed between the two sheds forming the recycling facility.
215. As set out by objectors, the larger of the two buildings has not been built entirely in accordance with the drawings approved as part of DM/15/01767/WAS. The approved drawing for the larger building shows it to be 81m by 42m with a height to the eaves of

7.6m and a height to the ridgeline of 15m. As built, the larger building is 81m by 44m with a height to the eaves of 8.4m and a height to the ridgeline of 14.6m. The larger building is therefore 2m wider and 0.4m lower than originally approved. The larger building has also been built approximately 8m east of the approved location, the purpose of this being to allow HGVs to turn in the yard and to facilitate an efficient arrangement of the processing plant inside the building. Moving this building further to the east resulted in a need to construct an additional lean-to structure between the two sheds to bridge the gap between plasterboard waste reception and the processing area. This structure measures 10m by 15m with a maximum height of 8.4m to match the adjoining eaves.

216. Whilst it is being made clear in this application that part of the purpose is to regularise the larger building, planning permission was granted in 2018 for an additional lean to structure under reference DM/18/03004/WAS. The plans associated with this application showed the correct, as built, dimensions for the larger shed and when approved this did, in effect, regularise that aspect of the development. The relative position of the larger shed was not, however, shown at that time. In addition to the regularisation of the shed it is also proposed to retain the grassed bund, which is larger than originally approved although still located to the south of the site. The bund provides a strong visual screen for the site to views from the south.
217. Landscape officers have considered the proposal and are aware that the buildings dimensions differ to what was originally approved but consider that whilst the building is slightly larger these alterations do not create additional landscape or visual harm. Officers also consider that the permanent change of use of this existing building would not have further landscape and visual impacts. It is considered that the retention of the building would not harm the adjoining Area of Higher Landscape Value. Attention has been drawn by objectors to views from the east (Barforth Lane) that had not been previously considered. Whilst the proposal is not out of character in this agricultural landscape, given its scale, it is a prominent feature and the building could benefit from some native tree planting along the hedgerow directly to the east to help soften the buildings outline and further help to integrate it into the landscape. Officers have suggested predominately oak mixed with silver birch and rowan. A condition is recommended to secure a landscaping scheme and its implementation.
218. Subject to the imposition of the above mentioned landscaping condition it is considered that the retention of the buildings and permanent change of use of the site would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The buildings are considered to be well designed and keeping with the existing agricultural buildings on the wider site. The proposal is therefore considered to accord with CDP Policies 29 and 39, WLP Policy W6, Part 15 of the NPPF and Paragraph 7 of the NPPW. WLP Policy W6 is considered to be consistent with the NPPF and can be afforded full weight in the determination of this application.

## Heritage

219. 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. If harm is found this gives rise to a

strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker. 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.

220. There are several heritage assets within the vicinity of the site, the nearest of which is the Grade II\* Listed Winston Bridge, which forms part of the B6274 road between the application site and Winston village. Within Winston village itself are the Grade II Listed Milestone, 120 metres south of junction with A67, Grade II Listed The Mount, Grade II Listed The Cobblers, Grade II Listed Bridgewater Arms (West Section), Grade II Listed Church Hill and Grade I Listed Church of St Andrew. Approximately 750m to the south of the site are a pair Grade II Listed Milestones. Approximately 1.5km to the east of the site is the Grade II\* Listed Barforth Hall, Grade II Listed Farmbuilding group to the north of Barforth Hall, Grade II Listed Garden Walls to the west of Barforth Hall, Grade II\* Listed Dovecote 100 metres north of St Lawrences Chapel, Grade II\* Listed Ruins of St Lawrences Chapel and Grade II\* Chapel Bridge over Black Beck. The Scheduled Monument of St Lawrences Chapel Manorial Settlement Remains and Dovecote are also located approximately 1.5km to the east of the site.
221. Design and Conservation officers have considered the application and note that, in effect, the proposal seek to make permanent the on-site operations consented temporarily, under planning consent reference DM/15/01767/WAS. Officers support the view taken by the Council's Landscape Team that the operation is well integrated into the farm operation and screened by topography and vegetation. Officers consider that no additional harm to heritage assets would occur as a result of this proposal.
222. As discussed elsewhere in this report, Winston Bridge is subject to regular inspections in accordance with standard management practices. The last inspection undertaken in 2018 concluded that the bridge was in good condition following completion of an extensive refurbishment scheme that addressed issues previously identified in a detailed Principal Inspection undertaken in 2014. The issues identified were not considered to adversely impact on the structural capacity of the bridge but were addressed to slow or prevent further deterioration. The issues identified in 2014 included paint loss and corrosion of pattress plates to the elevations. This defect was not considered to be critical to the structural integrity of the bridge.
223. Objectors raise concerns about the impact to heritage assets, specifically listed buildings, in the vicinity of the site. Many objectors state the value of the Grade II\* Listed Winston Bridge and potential for damage to this bridge from weight of traffic and direct damage from potential collisions. Objectors have also stated that the site has an impact on views from the Grade I Listed Church of St Andrew and Grade I Listed St Lawrences Chapel, and also that the development has had an impact on Gainford Conservation Area. It has been stated that archaeology should be considered as part of the application. As stated above it is considered that the development would not have an impact to those designated heritage assets.
224. The suggestion from objectors that archaeology should be considered has been taken into account. As no further operational development is proposed there is nothing to assess from an archaeological stance. It is therefore considered that proposed development would have no archaeological harm.
225. Whilst it is noted that elements of the development, although not the recycling process, can be seen from heritage assets it does not necessarily follow that they are unacceptable. The use of the buildings, being almost entirely confined to the interior of the buildings would have a negligible impact on the appearance of the site. The larger

building, as built, is not materially different from that originally approved by Planning Permission DM/15/01767/WAS and its retention would have no additional harm to heritage assets. It is therefore considered that the proposal would accord with CDP Policy 44, Part 16 of the NPPF and Paragraph 7 of the NPPW.

## Ecology

226. Paragraph 175 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that 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.
227. The site is not within, or in the vicinity of any ecological designations. The nearest ecological designations are Teesbank Woods Local Wildlife Site (LWS) which is located approximately 400m to the north west and Gainford Spa Wood LWS is located approximately 830m to the north.
228. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers.
229. As discussed elsewhere in this report, the Environment Agency have investigated claims that gypsum from processing plant is polluting the River Tees and found there to be no evidence of this. It is therefore considered that the proposal would not cause impact to species dependant upon the River Tees.
230. The proposal would retain existing buildings that already in use for plasterboard recycling. No additional operational development is proposed as part of this application and the continued use of the site for plasterboard recycling would not create any new risks to protected species or habitats that would necessitate the submission of an ecological assessment. Ecology officers consider that there is a limited risk of impact on any sensitive receptors or designated sites. The development would not involve any clearance of vegetation and would not cause any harm to protected species or habitats including nationally and locally protected sites given the distance from such designations. It is therefore considered that the proposal would accord with CDP Policies 41 and 43 and Part 15 of the NPPF.

## Flooding and drainage

231. WLP Policy W26 states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
232. 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, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.

233. The site is located entirely within Flood Risk Zone 1 and is therefore at lowest flood risk. The site is within a minor Groundwater Vulnerability area. The site area exceeds 1Ha and the application has therefore been accompanied Flood Risk Assessment (FRA). The applicant has provided details of existing drainage within the site and also proposals to create an attenuation pond with drainage calculations. The proposed attenuation pond would intercept existing drainage pipes from the roofs of the buildings and access road. Drainage for the yard is diverted to an interceptor tank for disposal.
234. Objectors have raised concerns that gypsum is washed from the application site into the River Tees through drainage and surface water runoff. This concern has also been extended to material that has been spread to land, although it should be noted that land spreading is not part of this application or controlled by planning. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers. Objectors have also complained that the application for Planning Permission No. DM/15/01767/WAS was not accompanied by a Flood Risk Assessment (FRA) or drainage details and that the Council's Drainage and Coastal Protection team was not consulted. It was stated that the current application should be accompanied by drainage details and consultation carried out.
235. As discussed elsewhere in this report, the Environment Agency has investigated claims that gypsum from processing plant is polluting the River Tees and found there to be no evidence of this. It is therefore considered that the proposal would not cause impact to species dependent upon the River Tees.
236. Whilst the application form for DM/15/01767/WAS stated the site area to be in excess of 1ha, when measured the actual site area was less than 1ha and therefore below the threshold for requiring an FRA. As the applicant then moved the building 8m to the east this extended the site area to more than 1ha. Notwithstanding this, the applicant did install adequate drainage for the site with the omission of an attenuation pond, which can be retrospectively added. A condition is recommended to ensure this work is carried out in a reasonable timescale.
237. Drainage and Coastal Protection officers have assessed the design and capacity of the drainage system and consider it to be acceptable. The Environment Agency has also considered the proposals and raise no objections. It is therefore considered that the proposal would accord with WLP Policy W26, Part 15 of the NPPF and Paragraph 7 of the NPPW.

#### Sustainability and Climate Change

238. In 2019 Durham County Council declared a climate emergency and pledged to 1.) reduce carbon emissions from Durham County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and 2.) investigate what further

actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020.

239. The County Durham Plan and NPPF promote and encourage sustainable and low carbon development. In terms of waste management proposals, relevant policies do not specifically set out carbon reduction objectives, however, the overarching principle of waste management is to move waste up the waste hierarchy and avoid disposal without recovery. In this case the proposed development is capable of recycling in excess of 99% of the plasterboard waste that is received. This is clearly very positive and significantly reduces the volume of waste that may otherwise be disposed of without recovery.
240. The location of the site is discussed in detail in the Principle of Development section above, however, to reiterate the salient points; the site is located relatively central to the sites supplying the waste plasterboard and 80% of the customers for the agricultural gypsum product are located within a 15 mile radius of the site. Whilst the site is not located on an industrial estate it is, on a regional or wider scale, located relatively close to the A1 and A66 trunk roads. The location of the site in a rural area means the gypsum is produced as close as possible to agricultural customers.
241. In terms of the sustainability of the buildings forming the facility CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. WLP Policy W6 states that where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. The consideration against CDP Policy 29 in respect of BREEAM is complicated. This application seeks to regularise an existing building, rather than construct a new one and this building was constructed prior to the requirement to achieve a 'very good' rating being set out in the CDP. Planning permission remains extant for the applicant to construct the building as set out in DM/15/01767/WAS without the need to demonstrate a BREEAM rating. Notwithstanding this, the buildings are simple structures that are not heated and already make use of natural lighting through rooflight panels. It is therefore considered that the opportunities to improve upon the buildings, as constructed, would be very limited and as BREEAM assessment begins with the design process it would be particularly difficult to achieve the 'very good' standard.
242. Whilst it is considered that the BREEAM test set out in CDP Policy 29 is applicable for this application, due to the circumstances of this application where a similar building could be constructed on the site without further consent, and that the existing building is not new, it is accepted that a BREEAM 'very good' rating cannot be reasonably required to support a case for sustainable design. This is similarly the case for WLP Policy W6 where the existing building could not be practicably improved upon.
243. Objectors have raised the issue that the plant is not sustainably powered. Due to lack of a three phase electrical supply to the site the processing plant is powered by a demountable diesel generator. Whilst this is not ideal in sustainability terms it is not necessarily a permanent solution and also does not form a permanent part of the building. Officers from the Low Carbon Economy team have commented that the use of a diesel generator, as a long term solution, is not sustainable. However, officers also note that many rural businesses face the same or similar issues and thus to set a precedent on this scheme may have unintended consequences for farms and other rural business that use diesel generators for their activities. Whilst the continued use of diesel generators should be considered as adverse from a climate change perspective, this should be put into context as it is also considered that the use of petrol and diesel

cars would also be considered as adverse. The ban on the production of new diesel and petrol cars will not happen until 2030, therefore any decision on the continued use of diesel in manufacturing must be put into this context. Based on the transition approach to moving away from fossil fuels it is considered reasonable to impose a condition requiring the applicant to investigate alternative, sustainable means of powering the facility and to set a timetable for implementation.

244. On balance, it is considered that the proposed development represents a sustainable solution for efficiently managing plasterboard waste without a detrimental climate change impact. Subject to the above condition it is considered that the proposal would accord with CDP Policy 20, WLP Policy W6 and Part 14 of the NPPF.

## Other Matters

### Legal Agreement

245. The applicant has proposed to enter into a unilateral Section 106 Legal Agreement to rescind Planning Permission CMA/6/47, if planning permission is granted. This would ensure that plasterboard recycling at Hilltop Farm only occurs within the area set out as part of this application and in accordance with the conditions set out below. This is not a requirement of planning policy for the determination of the application, but it does provide some benefit; although the plasterboard recycling element of CMA/6/47 is not currently in use, rescinding this permission now would prevent any future cumulative impact. Accordingly, this legal agreement is offered by the developer on a voluntary basis and weight cannot be afforded to it in the assessment of this application.

### Application Process

246. Objectors have complained that there has been a lack of consultation and that letters should have been sent to a wider area including Gainford, Caldwell, Fawcett, Carkin Barns, Eppleby, Hutton Magna and Ovington. It has also been stated that there was not a site notice at the entrance to the site. Notification letters were sent to residents living in close proximity to the site and site notices were erected in noticeable places, including directly opposite the site entrance. The areas that objectors have suggested letters should have been sent to are a considerable distance from the site, or outside of County Durham. Consultations were sent to the neighbouring authorities of Richmondshire District Council and North Yorkshire County Council, affording them the opportunity to consult residents if they felt it necessary.
247. Criticism has been made of the letters of support received and objectors have set out the business or family links with the applicant or site, suggesting that supporters are not impartial. It is not unreasonable, or unusual, for letters of support for a planning application to be received from individuals or businesses with a link to the applicant or their business.
248. It has been suggested that this application is linked with another proposal at Barforth Hall (reference DM/19/03878/WAS), which was for the creation of a retaining bund using imported soils. This application was subsequently refused and there was no link or similarity in the two applications.
249. Objectors have stated that the application should not be determined by a single planning officer and that it should be determined the Planning Committee. The application was originally to be determined under delegated authority but was called in by the Local Member for determination by the Planning Committee. For clarity, determination by delegated authority does not place decision making with a single planning officer; the

case officer makes a recommendation with the final decision made by a Principal Planning Officer or Team Leader.

250. Objectors have advised that they intend to pursue legal representation at public inquiry, if necessary. This is noted but the threat of legal action against a planning decision is not in itself a material consideration in the determination of an application.
251. Objectors have criticised the applicant for stating in the planning application form that the site cannot be viewed from a road or other publicly accessible location. At section 29 of the application form the applicant has responded 'no' to the question of 'can the site be seen from a public road, public footpath, bridleway or other public land?'. This is the correct response. Whilst the buildings are visible from public viewpoints it would not be possible for a planning officer to properly assess the proposal without accessing the site and that is the issue which this question on the application form is aimed at.
252. Objectors have stated that the application should be determined in accordance with planning policy and it has been suggested that the development conflicts with the County Durham Waste Local Plan, Teesdale Local Plan and County Durham Plan. The County Durham Plan has entirely replaced the Teesdale Local Plan and many policies of the County Durham Waste Local Plan. The application has been considered against the up to date development plan which is the relevant policies of the County Durham Plan and the remaining saved policies of the County Durham Waste Local Plan.
253. It has been suggested that the proposal is materially similar to an application which was refused and dismissed on appeal for the nearby Lane Head Farm at Hutton Magna (reference 8/CMA/6/54 for erection of 3 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding). The purpose of the development at Lane Head Farm was as a waste transfer station; waste was brought there for bulking up prior to be transported for treatment and processing elsewhere. The proposed development imports waste material which is processed and manufactured into a product at the same site. It is therefore considered that the proposals are materially different.

#### Other Issues

254. Objectors have raised concerns that the business (Agricore) has been sold to overseas investors and that a multitude of other companies are involved in the ownership of the site. Speculation has been made that the business will expand due to demands from investors and that this expansion would be limitless. A suggestion has also been made that a biogas plant may be constructed at the site in the future. Whilst this is not a material consideration in the consideration of a planning application, as planning permission goes with land and not a person or company, it has been confirmed that the site and operating company are solely owned by the applicant, Mr Ian Bainbridge. The concern that the business would expand is unfounded; the applicant has set out that the site is already managing all of the plasterboard waste arisings north of the next nearest site in Yorkshire. Conditions would limit expansion through vehicle movement restrictions. The prospect of a biogas plant, or anaerobic digester, being viable at Hilltop Farm is very unlikely; these plants require a constant supply of high calorie feedstocks to produce gas and a high capacity electrical or mains gas connection for exporting the gas or power. Hilltop Farm does not have a mains gas or three phase electrical connection so there is no means of exporting gas or power. In addition, anaerobic digesters have been extensively developed both locally and regionally and there is unlikely to be an available supply of sufficient feedstocks for a further plant in the County. In any event, any future proposal as the site would have to be assessed on its own merits at the relevant time.

255. Objectors have stated that a business case should be provided to demonstrate the need for the facility. Information relating to the source of plasterboard waste and the locations of gypsum customers was requested. In relation to this, objectors have stated that there are limits to the amount of gypsum that can be stored in fields and spread to land and also allege that many local farmers do not use the material. The applicant has provided information to show the sources of the waste plasterboard and where the gypsum product is distributed. It is correct that there is a limit on gypsum spreading of 1 tonne per hectare, per annum. The allegation that local farmers do not use the gypsum material is speculation and the sales information provided by the applicant demonstrates that the material is used locally. Officers are satisfied with this information, however, for reasons set out elsewhere within this report, the detail of the information provided by the applicant has not been made public and instead this report contains more generic information by reference to geographical radius from the site..
256. Objectors have stated that the applicant has a conviction for the spreading of waste to land. This is not a material consideration in the determination of this planning application.
257. Objectors have queried and, in cases, alleged that the plasterboard waste contains hazardous materials including asbestos and that the plasterboard is, in itself, a potentially hazardous material that may be harmful to health. Plasterboard is a non-hazardous material and is a very common building material. Whilst there is a risk with any construction and demolition waste stream that it may contain contaminants, such as asbestos, this would be identifiable in the waste reception area and would be quarantined for correct disposal.
258. Objectors have placed significant emphasis on Condition 1 of planning permission DM/15/01767/WAS, which states that after 5 years from the date of the planning permission the site shall be returned to agriculture. There is some confusion that the buildings themselves would be removed as part of the requirements of this condition but that is not the case. In relation to this, one objection has stated that the Council should have considered the agricultural need for the buildings following the temporary period of use for plasterboard recycling. There is no planning reason for the applicant to have demonstrated an agricultural need for the building. The Council was aware that the building would be retained permanently following the cessation of the temporary use facilitated by planning permission DM/15/01767/WAS and found this to be acceptable.
259. The site is within a Coalfield Development Low Risk Area. Should planning permission be granted the Coal Authority standing advice would be provided as an informative to the applicant.
260. Three objectors have forwarded a response that they have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene.

### Complaints

261. Complaints have been raised for the duration of the application being considered, both through enforcement channels and within objection letters. The issues raised relate to vehicle movement limits being breached, operating hours not being adhered to, waste being outside of buildings, burning of waste, roads stained white from gypsum, white dust on gardens and cars, gypsum washing into the River Tees and plastic contamination within gypsum being spread to land. In line with the Council's Enforcement Protocol complaints are investigated and where necessary issues are raised with the site operator. Following investigations it has been found that the vehicle

movement restrictions set out in planning permission DM/15/01767/WAS have been breached on occasions and that is why the applicant has sought to increase the daily maximum vehicle movement limit, whilst maintaining the weekly average, as part of this application. On occasions waste has been stored outside of the buildings, in particular during 2018, but this is not a restriction of the planning permission. There have been 12 planning enforcement cases in respect of the site since March 2015 and 8 since submission of the current application, 5 of which are pending consideration. To date the Council has not considered it necessary to take enforcement action. If non-compliance is identified, then the Council would consider appropriate action. However, it must be stressed that enforcement matters are outside the scope of the application which Members are considering.

262. The spreading of the gypsum to land is not part of this planning application and any potential contamination within this product is therefore not a material consideration. However, the concerns relating to contamination stem from the spreading of waste animal bedding containing paper from the plasterboard recycling process. This material also contained plastic, which was visible in the affected fields where the material was spread. The applicant no longer provides paper for animal bedding and continues to litter pick the affected fields.
263. Issues in relation to water quality, highways and dust and been addressed elsewhere in this report and found to be acceptable.
264. As set out elsewhere in this report, the site would continue to be regulated through the environmental permitting regime to ensure that it continues to operate safely and without environmental harm. The Environment Agency has raised no objections to the proposal.

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## **CONCLUSION**

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265. The development would allow for the retention of a national significant specialist waste recycling facility. The site would provide local and regional self sufficiency for managing plasterboard waste and would divert in excess of 99% of this waste stream away from landfill and drive it up the waste hierarchy. In addition to recycling plasterboard waste the development would produce this into an agricultural soil conditioner for which there is an established market in close proximity to the site.
266. The potential impacts of the development have been fully assessed and found to be acceptable, subject to conditions where appropriate. The development would continue to operate using established buildings and processing plant on a site that has the benefit of an existing Environmental Permit.
267. The development has generated significant public interest and the objections from local residents, and letters of support from customers, suppliers, employees and local residents have been taken into account in the determination of the application along with other responses including those of statutory consultees that have raised no objections to the proposal subject to conditions where appropriate. Whilst mindful of the nature and weight of public concerns it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposals. In this case the proposal has been demonstrated to be fully policy compliant and would facilitate the continued operation of a national significant waste site whilst retaining 15 full time jobs.
268. It is considered that the proposal would fully accord with all relevant national and local planning policy.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

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

Drawing No. 20086-CK-XX-XX-DR-C-52-100 Rev. P3 'Engineering Layout'

Drawing No. BAIN-EL Rev.A 'Elevations'

Drawing No. BAIN-RP 'Roof Plan'

*Reason: To ensure the development is carried out in accordance with the approved documents in accordance with County Durham Plan Policies 29, 31 and 39, County Durham Waste Local Plan Policy W26, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

2. Plasterboard and gypsum shall only be delivered and exported to the site between the hours of 0700-1700 Monday to Saturday. Recycling operations shall only take place between the hours of 0700-1900 Monday to Saturday. No operations shall take place at any time on Sundays or Bank Holidays.

*Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

3. No burning of waste shall be undertaken anywhere on the site.

*Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

4. The total number of all vehicles delivering plasterboard and exporting gypsum to/from the site shall not exceed a daily total of 60 (30 in and 30 out) with a weekly average not exceeding 240 (120 in and 120 out). A record of all vehicles entering and leaving the site shall be maintained by the operator and a copy of this record shall be afforded to the Waste Planning Authority within 2 working days of such a request

*Reason: To protect residential amenity and ensure highway safety in accordance with County Durham Plan Policy 31, County Durham Waste Local Plan Policy W31, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

5. Measures shall be taken to ensure that mud, dirt, and waste is not transferred onto the public highway, including sheeting of vehicles as may be appropriate to the material. At such time these measures are not sufficient to prevent the transfer of any material onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective or weather and/or ground conditions improve with the effect of stopping the transfer.

*Reason: In the interests of highway safety and to accord with County Durham Waste Local Plan Policy W31, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

6. Within 3 months of the date of this planning permission a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. This scheme shall provide details of native tree planting to the east of the site for the provision of screening. The approved scheme shall be implemented by 31 March 2022 and shall be maintained for the life of the development

*Reason: In the interests of local landscape and to comply with County Durham Plan Policy 39, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

7. Within 6 months of the of the date of this planning permission a report detailing an investigation of sustainable power generation for the site with a timetable for implementation of the identified technology shall be submitted to the Local Planning Authority for approval in writing.

*Reason: In order to maximise the sustainability potential of the site in accordance with Policy 29 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

8. The SUDS Basin shown on Drawing No. 20086-CK-XX-XX-DR-C-52-100 Rev. P3 'Engineering Layout' shall be constructed and connected to the existing site drainage within 6 months of the date of this permission.

*Reason: To control surface water runoff and prevent flooding in accordance with County Durham Waste Local Plan Policy W26, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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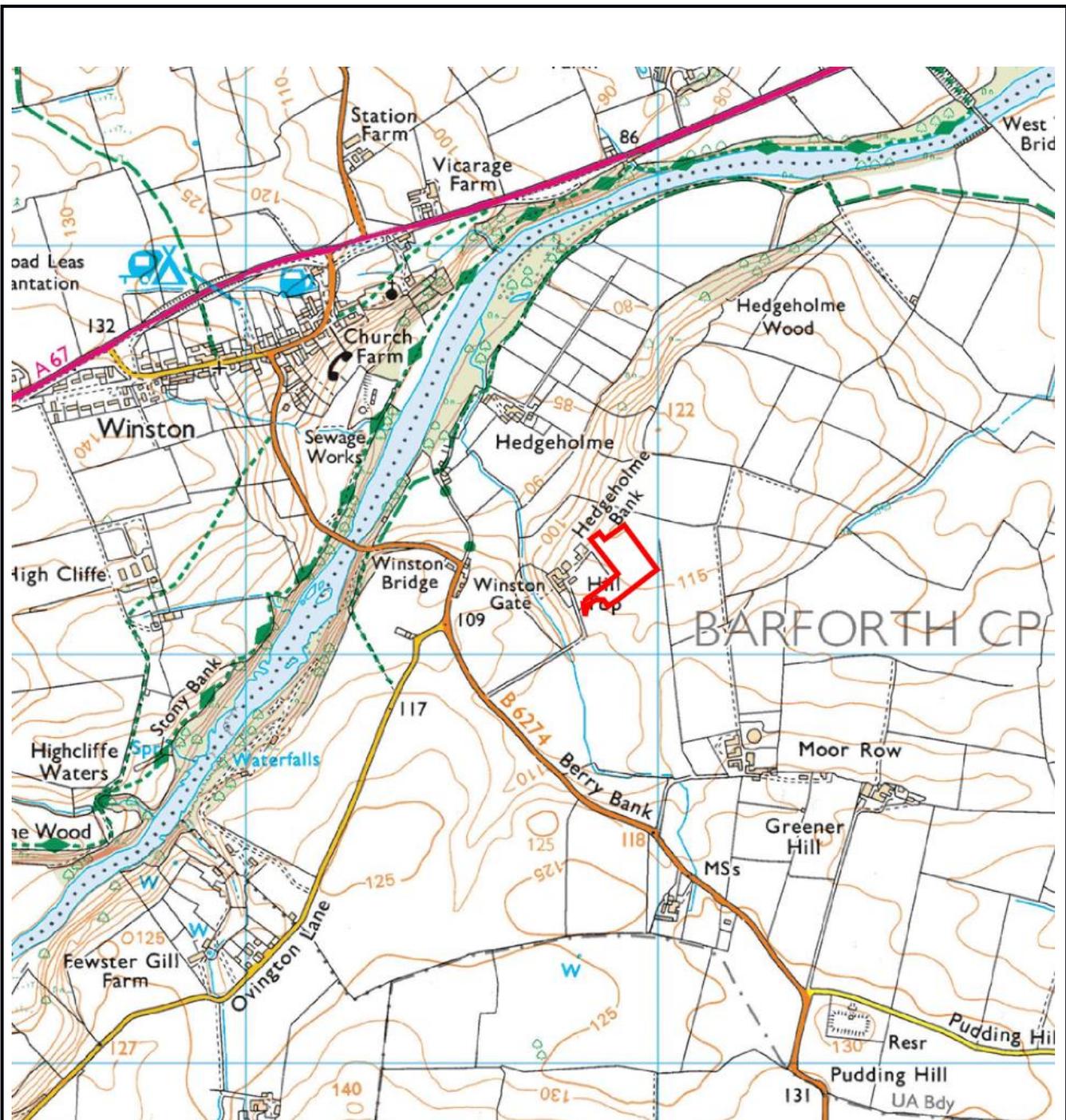
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- County Durham Waste Local Plan
- Statutory, internal and public consultation response



**Planning Services**

DM/19/03766/WAS - Retention of existing building for permanent use as plasterboard recycling facility and retention of existing bund at Hill Top Farm, Winston, Darlington.

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**Comments**

**Date** March 2021

**Scale** Not to Scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/03070/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Residential development of up to 100 units (outline with all matters reserved apart from access)
<b>NAME OF APPLICANT:</b>	Banks Property Ltd
<b>ADDRESS:</b>	Land To The North Of Darlington Road Barnard Castle DL12 8QG
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Barry Gavillet Senior Planning Officer Telephone: 03000 261958 <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a roughly rectangular area of agricultural land of 5.59ha located on the eastern edge of Barnard Castle and lies between the A67 Darlington Road to the south and the A688 Bishop Auckland Road further to the north. Immediately to the west of the site is the recently constructed Castle Vale residential development, whilst three detached properties and a caravan park lie to the south across Darlington Road. The site is predominately defined by hedgerows and trees to the edges, although these are gappy in places. Adjacent to north of the site lies the now dismantled railway line with the A688 beyond. To the east of the site is further arable land whilst the A67/ Darlington Road is located along the southern boundary which provides access into Barnard Castle to the west and towards Darlington to the east. There is an existing stone wall along the southern boundary which is characteristic of the local area. The topography of the development site falls steeply from the south towards the A688 to the north.
2. The site is not within a Green Belt although does lie within an area identified in the Durham County Plan as an Area of Higher Landscape Value (AHLV).
3. There are bus stops in the vicinity of the site providing regular services into Barnard Castle centre and Darlington. There are also schools, shops, a petrol filling station, in close proximity whilst other facilities such as a GP surgery, community centre, pharmacy, post offices and local hospital are within a mile of the site.

## The Proposal

4. This application seeks outline planning permission for up to 100 dwellings with all matters reserved apart from the access. Indicative details of appearance, scale, landscaping and layout have also been provided which shows a scheme with a density of approximately 17.9 dwellings per hectare comprising dwellings with 2, 3, 4 and 5 bedrooms.
5. Landscape buffer zones are proposed within and surrounding the built up area of the site and a SUDS pond is proposed to the northern edge of the site. The proposed access to the site would be off Darlington Road which would pass through a landscape buffer with homes fronting onto this Public Open Space (POS) in line with the neighbouring properties along Darlington Road.
6. Internally the main spine road staggers through the site, new pedestrian routes through the areas of POS and two new bus stops on either side of Darlington Road proposed directly adjacent to the site.
7. The formation of the SUDs area located in the north east of the site seeks to provide both a functional and aesthetic purpose. New homes are indicated to front onto this area enabling both an attractive outlook and passive surveillance of the POS which ties into the larger landscape design, mainly connecting the eastern landscape buffer with it's new footpath leading back to the site's entrance away from the public highway.
8. Each property is shown to have private garden areas, off-street parking and a bin store, in addition, it is proposed that each property would have an electric vehicle charging point and private bike store.
9. The existing houses within the Castle Vale housing development are predominately 2 storey in height with a few single storey bungalows located to the north east of this development. The scale of this proposed development would be consistent with the adjacent development and proposes a palette of materials in keeping with the context of the area.
10. Boundary treatments would typically include 1.8m high close boarded timber fences to the rear and 1.2m high estate railing to the front with an introduction of planting and hedgerows for key street elevations, particularly for those fronting the green landscape corridors.
11. This application is being considered by committee at the request of a Local County Councillor.

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## **PLANNING HISTORY**

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12. None relevant.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. The following elements of the National Planning Policy Framework (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 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
17. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.

23. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
24. *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>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

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 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; 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 on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate 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. Soil on previously undeveloped land should be properly managed.
29. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities states that 66% of dwellings on sites of 5 dwellings or more must be built to Building Regulations M4(2) (accessible and adoptable dwellings) standard.
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* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
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* details general design principles for all development stating that new development 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.
35. *Policy 31 Amenity and Pollution* states that new 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 should be integrated effectively with any existing business and community facilities.
36. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

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* states that 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
40. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
41. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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## STATUTORY RESPONSES:

44. *Marwood Parish Council* objects to the application. They state that Barnard Castle is a popular historic market town which attracts a high level of tourism all year round as well as a main transport route to the Teesdale North Pennines. Due to this, the road network infrastructure is constantly compromised with excessive road traffic especially along Darlington Road (A67) and the busy neighbouring areas of (A688) (Teesdale School, Lidl development under construction, the Hub) and Bede Road Access exit - town centre, as these three roads converge on the roundabout at the local service station where there is already frequent queuing at pivotal points throughout the day.
45. There are concerns that the proposed site would be an approximate 30 minute walk into the town centre, therefore the vast majority of the new 100 homes would use their cars to access the town, traffic speeds and safety are also a concern.
46. They comment that the local area has had four new housing estates plus small new build sites during recent years, the larger developments are Taylor Wimpey Castle Vale on Darlington Road next to the proposed new development, Taylor Wimpey Bowes Gardens, David Wilson Five Acres and Kier Living Castle Croft which have all contributed to the local and national housing requirement all be it with a negative and detrimental impact on the local landscape and that the local amenities and facilities such as schools, doctors & dental surgeries are already overwhelmed by the previous rapid growth of the town.
47. It is noted that the proposed development is not a housing allocation in the CDP and is on arable land which is invaluable to the local wildlife and natural habitats that rely on this area which has already been considerably affected during the construction of the Castle Vale development.
48. There are also concerns that the local sewers could not cope with the additional development.
49. Overall Marwood Parish Council feel it is important to protect our unique and picturesque market town from urban sprawl into open countryside.
50. *Stainton and Streatlam Parish Council* also object to the proposals. They note that the land proposed for the development is currently arable land and has not been identified in the current County Durham Plan as being suitable for development. It falls within a recognised Area of High Landscape Value and is mentioned as such in the CDP and it is considered that a development in this location would be detrimental to that designation.
51. They also comment that the proposed entrance/exit for this new estate would be relatively close to the Castle Vale entrance and would contribute to the increase of traffic congestion on the A67 Darlington Road.
52. They state that in recent years several new housing developments have increased the housing stock within Barnard Castle by over 400 properties and we would question what evidence there is that another 100 are needed or would be sustainable as medical and dental services are already stretched.
53. *The Highway Authority* state that the Transport Assessment is deemed acceptable in terms of modelling conclusions and the highway network can accommodate likely generated traffic.

54. The proposed A67 site access arrangements are a replication of the protected right turn 'ghost island' that exists for the Ashtree Drive development which lies immediately to the west. A pedestrian refuge would be installed between the latter junction, and the new site access junction, available for use by both existing and future residents. Bus stop lay-bys would be provided immediately east of the new junction. Overall, the scheme is acceptable in highways terms subject to a condition requiring the agreement of a detailed design of the priority access junction.
55. *Drainage and Coastal Protection* officers have confirmed that the information provided in the drainage and flood risk assessment is acceptable and should be conditioned. Permeable paving is to be applied throughout the development on all drives and access roads and the details of the SUDS basin and swales throughout the site are acceptable.

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

56. *Design and Conservation* officers have no objections and comment that the indicative site layout plan is considered generally appropriate from a design and conservation perspective. The layout follows the dominant building line from the adjacent development and ensures built frontage to Darlington Road, set back behind a landscaped edge. The proposed layout positively responds to the site context, both in terms of its relationship to the adjacent development and the creation of a landscaped edge through structural planting at the eastern boundary. The indicative layout shows cells of development separated by a winding landscaped pedestrian route through the site. This route is addressed by development frontage, allowing for natural surveillance of the space. In general terms, the indicative layout shows that all streets and spaces within the site are defined strong building frontage. Should the development progress to a detailed stage it will be important to ensure the principles contained within the indicative layout are taken forward. No objections are raised in regard to any potential impact upon heritage assets.
57. *Archaeology* officers advised that the geophysical survey interpretation should be tested and confirmed by archaeological trial trenching. This has been carried out in accordance with a Written Scheme of Investigation which has been agreed. No objections are raised.
58. *Ecology* officers have assessed the Breeding Bird survey report, Bat report, Ecological Impact Assessment and require the mitigation included to be controlled. Work relating to biodiversity net gains has been submitted and agreed with officers and no objections are raised.
59. *Environment, Health and Consumer Protection (Nuisance Action Team)* have raised no objections. Conditions in relation to all sound attenuation measures detailed in the noise assessment being undertaken along with a Construction Management Plan are advised. No objections are raised on the grounds of potential smells or dust from local treatment works and scrapyards.
60. *Environment, Health and Consumer Protection (Contaminated Land)* have raised no objections subject to condition.
61. *Environment, Health and Consumer Protection (Air Quality)* raise no objections with significant air quality impacts anticipated.
62. *Affordable housing* officers have given advice on the type and tenure of affordable housing requirements in the area. A legal agreement will be required to ensure that the affordable housing requirements of the area are met.

63. *Landscape and Arboriculture* officers consider that the housing layout would appear to have capacity to accommodate a fully integrated Landscape Scheme as set outlined in the LVIA. There are no objections subject to the recommendations in the landscape assessment being conditioned together with a final Arboricultural Method Statement and Tree Protection Plan.
64. *Education* officers conclude that 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 and no further mitigation is required in this instance.
65. *Spatial Policy* conclude that the site is not allocated for housing under Policy 4 of the CDP. The proposal should therefore be assessed against Policy 6 of the County Durham Plan which now comprises the development plan. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters.

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

66. *Northumbrian Water* have no objections subject to conditions controlling foul water discharge.
67. *Durham Constabulary* offer general advice relating to design, burglary and vehicle crime.
68. *NHS* states that a contribution of £45,360 would be required to increase GP surgery capacity.

#### **PUBLIC RESPONSES:**

69. A total of 394 letters have been received from members of the public in response to the consultation exercise involving individual letters, press and site notices. Of these, 252 of them are letters of objection whilst 142 are in support of the application.
70. The main reasons for objection are as follows:
71. The site is not allocated in the County Durham Plan.
  - Objectors state that the County Durham Plan of 2020 lists sites allocated for housing development, the land proposed for this site is not listed in the current plan. Whilst Policy 6 does specify unallocated sites can be considered for development the planned site does not comply with this policy. The Campaign for the Protection of Rural England agree with these ascertains stating that this is a large site in an AHLV which has not been allocated for any development under the CDP. As a result, they represent it is not “well-related” to Barnard Castle under Policy 6 and would also not comply with Policy 39 in view of its impact on the landscape generally and AHLV in particular. Objectors also note that the SHLAA identified the plot as unsuitable in January 2019 and advised development of this site would have a significant adverse impact on a landscape designation.
72. The proposals would lead to traffic congestion and highway safety issues

- Objectors state that traffic is a major concern on the trunk roads leading into Barnard Castle from Darlington and Bishop Auckland and there are problems with congestion and long traffic queues, particularly on the junction of the A67 and A688 and at the roundabout next to the Co-op supermarket with traffic queuing back to High Riggs on the A67 and back to Harmire Road. There is concern that this will only increase if the development goes ahead and will pose a danger for pedestrians, especially children attending Teesdale School. In addition to congestion there is concern that the proposed access arrangements are unsafe and would have poor visibility and that there are already cars speeding on the A67 which causes highway safety issues with pedestrians having difficulty crossing the road. It is also suggested that in reality the bias towards car journeys would be even greater as is demonstrated by observed patterns of behaviour from the adjoining development.

#### 73. Too many houses

- Residents are concerned that there are too many developments in the area, with the Barnard Castle and Startforth areas having seen a number of new developments in the last 6 years resulting in approximately 400 new properties which in turn has significantly increased the population. A lot of these properties are on the market and are not selling quickly.

#### 74. There is a lack of infrastructure

- Residents state that the scheme would provide additional burdens to the infrastructure to the town with greater demand for doctors, primary and secondary schools, dentists etc as well as increased traffic in the town, which would exacerbate parking problems. They also note that employment opportunities in Barnard Castle are limited with the major employer, Glaxo, proposing a reduction in employee numbers. A new development is therefore likely to result in more residents working out of town and thereby increasing environmental damage as local transport services to Darlington and Bishop Auckland are very limited.

#### 75. Loss of character

- It is noted that the site is situated within a landscape conservation priority area on the outskirts of Barnard Castle; a historic market town and is included in the County Areas of High Landscape Value (AHLV). Residents are concerned that a large estate on the approach to the town, would detract from the town's character as a small market town and encourage housing sprawl into the countryside. Objectors state that over development would spoil the town and change its character and that there are already enough new housing estates which have been built recently and that more development would take away the attraction of this Small Market Town for visitors.

#### 76. Loss of Wildlife

- There are concerns that development would lead to a loss of wildlife and agricultural land. Objectors state that the proposed site is to be on land that produces high agriculture yields year after year. The development will also result in the loss of wildlife that is dependent on the hedgerows and fields including nesting birds, birds of prey, bats, rabbits, voles and field mice etc.

#### 77. Residential Amenity

- Residents on the adjoining new housing estate that are concerned that views over open countryside would be spoiled and house prices would be devalued. There are also

concerns regarding loss of light, overshadowing and loss of privacy to properties on the boundary.

78. The main reasons for support are as follows:

- Development would create 60 full time jobs on site during the construction period and 90 indirect jobs supported during the construction phase.
- New landscaping and planting: “net environmental gain” – meaning this development will result in habitats for wildlife being restored or created on site, through the enhancement of local habitats
- Electric vehicle charge points would be provided in all homes
- It would help sustain rural bus services and Barnard Castle generally
- We are in short supply of good quality available housing and would like to see the development go ahead.
- The town has already had planning permission granted for a new supermarket and other shop to be developed at the top of the town which was needed badly. The doctors surgery is often only open 4 days a week so they do have extra capacity if needed.
- Schools are not full and local house prices have increased ahead of the national average.

79. A letter of support was also received from the North East Chamber of Commerce. However, it should be noted that the vast majority of letters of support were in the form of a standard letter from addresses outside of the Barnard Castle area.

#### **APPLICANT’S STATEMENT:**

80. The Banks Group is a family-owned business established over 43 years ago here in County Durham. Employing over 300 staff, we are highly experienced in bringing forward quality developments. We fully support the planning officer’s report which recommends approval of this planning application. We have worked closely with officers over the last two years to bring forward this carefully designed scheme. There are no objections from statutory consultees confirming that the proposals are acceptable in all regards.
81. The officer’s report confirms the site complies with Policy 6 of the new County Durham Plan, which fully recognises the importance of housebuilding to meet the needs and aspirations of Country Durham’s residents. Policy 6 is specifically designed to enable suitable housing sites to come forward for development.
82. If approved, this project would deliver significant environmental, social and economic benefits. As a main market town, Barnard Castle is a highly sustainable location for new homes. The Darlington Road site lies in walking distance of both primary and secondary schools with existing capacity. It is directly on a bus route with a new bus stop to be provided. Electric vehicle charging points will be installed in every home. The scheme includes generous landscaping and improves biodiversity, with tree planting, hedgerow enhancement, and new habitat creation.
83. This scheme will help address the recognised need for homes. As the North East England Chamber of Commerce has highlighted in their letter of support; an increase

in quality housing in the county will support the local economy, and providing quality affordable housing is particularly important to ensure that everyone can access the housing ladder.

84. Many local people have told us that there is a shortage of affordable homes in Barnard Castle for families. New homes built in recent years have all sold quickly – in many cases off plan. This scheme will provide a range of new houses, including bungalows and 20% affordable homes, to help meet the needs of the whole community.
85. The economic benefits of the scheme are substantial. Approval of the application would unlock construction investment of £17 million in the county. 60 full time jobs would be created during the three year build period and a further 90 indirectly supported in the local supply chain. The new homes would generate £190,000 additional council tax annually and an estimated £1.4 million retail spending per year to support local businesses.
86. Throughout the Covid-19 crisis, Banks Group has continued providing employment and investment in the County Durham economy. We have kept working to bring forward high quality developments to benefit local communities. At a time of unprecedented economic upheaval, we need investment in our county to create jobs and give confidence to businesses.
87. To summarise, the Darlington Road scheme will deliver high quality new homes, environmental benefits, and drive significant investment in the county's economy. We hope that these compelling benefits are recognised and that the officer's recommendation for approval is supported.

*The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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88. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development and highways issues as all other matters have been reserved. However, other matters such as sustainability, landscape impact, drainage, ecology and design and layout are also assessed in order to help with the assessment of the principle of the development.

### Principle of the Development

89. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.
90. The NPPF is a material planning consideration. 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 or, 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.

91. The application site is located on the eastern edge of the settlement of Barnard Castle. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites outside the built-up area should be assessed and determined against Policy 6. This policy sets out the following criteria:

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

92. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement eastwards into the open countryside, so the issue is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built up areas as well as other judgements such as its sustainability in terms of location in the countryside and access to sustainable transport options.

93. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character and is in an acceptable distance to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
94. As the application site is located outside of the built-up area of Barnard Castle it is considered to be technically in the countryside although well related to the settlement. 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. The proposed development is considered to be one of these forms of development as it is allowed for by policy 6.

### *Addressing Housing Need*

95. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a higher value area, this development would require 20% affordable housing in the form of affordable home ownership and affordable rent. The applicant has agreed to provide the requisite provision of affordable housing and this would be secured through a Section 106 agreement.
96. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. This would also be secured.
97. Policy 19 of the CDP states that on all 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. The scheme is in outline, although the indicative housing mix contained within the submitted planning statement proposes a mix of 2, 3, 4 and 5 bedroom houses which would achieve a mix of dwelling types and sizes on the site.

### *SHLAA*

98. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (6/BC/21) and has an amber classification. The assessment outcome states:

The development of this site would comprise an incursion into attractive open countryside (AHLV) beyond newly established settlement edge, not well related to existing settlement form and with greater prominence and impact than development to the west.

99. This has been noted and officers have carefully considered the broader acceptability of the proposal in terms of issues such as design and layout, landscape, ecology and access arrangements in respect to addressing the issues identified in the SHLAA and these are outlined later in the report. A SHLAA assessment does not take into account the design measures or mitigation which a specific development proposal may present.

## *Five-year housing land supply*

100. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). In accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated and therefore delivery of houses in this location is not considered a significant benefit.
101. In summary, the proposals are considered to be in accordance with Policies 6 and 10 of the CDP and the aims of the NPPF and are therefore acceptable in principle for the reasons set out following in the report.

## Highways and Sustainability

102. Highways officers have assessed the application and consider that there would be no significant or severe impact on the highway network. Officers have confirmed that the Transport Assessment is deemed acceptable in terms of modelling conclusions and that the highway network can accommodate likely generated traffic.
103. The proposed A67 site access arrangements are a replication of the protected right turn 'ghost island' that exists for the Ashtree Drive development which lies immediately to the west. A pedestrian refuge would be installed between the latter junction, and the new site access junction, available for use by both existing and future residents. Bus stop lay-bays would be provided immediately east of the new junction.
104. Information has been submitted by the applicant which includes the provision of an 'Indicative Ghost Island Priority Access - General Arrangement' drawing. This is acceptable to highways officers, however a planning condition is required to secure agreement of the detailed design of this junction.
105. Also to be noted is that Traffic Assets officers have requested funding for a 'Gateway' type traffic scheme (signs/lines etc) to encourage reduced A67 traffic speeds inbound to the settlement, in the vicinity of the new site access. To give some flexibility to a future design, it is confirmed that this would be secured within the Section 106 legal agreement with £5000 agreed as an appropriate figure.
106. In terms of the sustainability of the site location, it is noted that the site benefits from being accessible on-foot and by cycle to an appropriate range of local amenities and facilities in the area. These include a leisure centre (1km), Teesdale School and sixth form College (800m), Community Hospital (1km), Co-op store and petrol station (650m), new food store and retail unit (1.2km), doctors surgery (1.1km), The Hub community facility (1.3km) and the primary school which is 800m away. The town centre of Barnard Castle is approximately 1.4 km from the site. There are a range of local amenities situated within Barnard Castle town centre, including banks, restaurants, a Post Office, chemists, takeaways, and other various retail units.
107. It is noted that the west of the site the local highway infrastructure has a good pedestrian provision which includes footways and streetlighting on both sides of the A67 carriageway and a number of crossing opportunities comprising refuge islands and uncontrolled dropped kerbs crossings that facilitate movement across the main carriageway and its side roads.
108. All of the local amenities identified are within a 2.0km walking catchment, with further amenities located within a 5km cycling distance. Cycling within the local area would also offer access to the full range of amenities and opportunities within all of Barnard

Castle, whilst also connecting to the NCR routes for wider recreational journeys. The nearest bus stops to the site are situated on the A67. The eastbound bus stop is situated approximately 360m west of the site frontage, whilst the westbound bus stop is situated directly opposite the site itself. There are also bus stops situated on the A688. These bus stops are located approximately 750m walking distance from the site frontage and benefit from a greater range of services than those from the A67.

109. In summary, the site benefits from regular bus services to a range of community facilities, and retail areas including Barnard Castle town centre, Gainford, Bishop Auckland and Darlington with some services within a 400m distance and others 800m.
110. In addition to the above and to encourage sustainable transport use from the site, it is proposed that a new eastbound and westbound bus stops would be installed on-carriageway adjacent to the site. The proposed bus stops have been discussed with the local bus operator and they have confirmed that there is space within their schedule and would service the bus stop.
111. In terms of compliance with policy 6 of the CDP the following criteria are considered to be relevant:
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.
112. It is considered that the development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity as advised by highway officers. In addition, it is considered that the location of the development is broadly sustainable and would have good and improved pedestrian links and access to public transport enabling links to local services and facilities. The Highway Authority does not consider that an objection on highway safety grounds could be sustained and as such offers no objection to the application subject to the inclusion of planning conditions and therefore the proposals would comply with policies 6 and 21 of the CDP and part 9 of the NPPF.

## Landscape

113. The site lies in an area currently identified in the County Durham Plan as an Area of Higher Landscape Value (AHLV). Trees within the site are not covered by a Tree Preservation Order.
114. Policy 39 of the CDP states that development affecting Areas of Higher Landscape Value, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
115. The site lies in Dales Fringe County Character Area which forms part of the larger Pennine Dales Fringe National Character Area (NCA 22). It lies in the Newsham and Cleatlam Broad Character Area which belongs to the Gritstone Dale Broad Landscape Type.
116. The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of conserve and restore. A Landscape and Visual Appraisal has been produced, the conclusions of which are generally agreed with in terms of effects on identified landscape and visual receptors. An iterative approach to the development of a landscape framework has been

undertaken as evidenced by the submitted LVIA. Seven Design Aims have been outlined with regards to guide the development of the site and an acceptable outline masterplan has been produced.

117. The landscape belt in the Eastern edge of the site is indicted as mixed scrub. The requirement is for a considered scheme of planting to strengthen the rural edge character and integrate the scheme into its landscape context. The intention of the Green Corridors of considered structural landscaping within the scheme is to break up views from the North and East and further assimilate the development into its landscape context. It is also sought to enhance the site entrance and provide a scheme of appropriate structural planting to the A167 while integrating existing boundary features.
118. While it recognised that the current application is outline with all matters reserved apart from access, it should be ensured that any subsequent application complies with the design aims as set out in the Landscape and Visual impact Assessment in terms of structural landscaping the northern and eastern boundary of the site, the provision of green corridors across the site and appropriate structural planting to the site entrance.
119. Landscape officers consider that the indicative housing layout would appear to have capacity to accommodate a fully integrated Landscape Scheme as set outlined in the LVIA. The proposals are acceptable in landscape terms and the landscape proposals should be conditioned in order to comply with design aims as set the Landscape and Visual Appraisal.
120. In terms of policy 6 of the CDP the following criteria would need to be met; that the proposals:
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
121. It is considered that the proposals with appropriate conditions would be in accordance with the above criteria as they do not contribute to coalescence, result in ribbon or backland development; the character and locality is not significantly affected and forms a logical extension to the existing built form of development and it is appropriate to the form and setting of the settlement subject to conditions requiring landscape mitigation. Therefore, the proposals are considered to be in accordance with policies 6 and 39 of the CDP and parts 12 and 15 of the NPPF.

## Drainage

122. 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, informed by a site-specific flood risk assessment. Policy 35 of the CDP states that all new development should adopt the hierarchy of preference in relation to surface water disposal, whilst CDP Policy 36 states that all new development should adopt the hierarchy of preference in relation to disposal of foul water.

123. The application is accompanied by a Flood Risk Assessment and Drainage Strategy report 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. Subject to securing the finer detail of this approach if a reserved matters application was to come forward Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk.
124. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so that they can fully assess their capacity to treat the flows from the development.
125. In terms of compliance with Policy 6 the following criteria would need to be met, that the proposal:
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
126. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to CDP policies 6, 35 and 36 or Part 14 of the NPPF.

#### Design and layout of the development

127. This application seeks outline planning permission for a residential development of up to 100 units. The appearance, scale and layout of the development are reserved matters which would be assessed in detail should it progress to that stage. However, the applicant has submitted indicative drawings showing the proposed layout of the development.
128. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice and to achieve high quality housing developments the Council 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. The SPD is an adopted document and, therefore, weight can be attributed to it in the decision-making process. In addition to this, policy 29 of the CDP states that major new residential development will be required to; when assessed against the Building for Life Supplementary Planning Document, secure as many greens as possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
129. 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 would 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. During the application process the scheme has been considered against the BfL standard through a series of questions and resulted in all of the scores being green or amber. On this basis and having secured amendments during the process, design review established that the scheme was of good quality and would meet the requirements of the Supplementary Planning Document and policy 29.

130. Design and Conservation officers have concluded that the indicative site layout plan is considered generally appropriate from a design and conservation perspective. The layout follows the dominant building line from the adjacent development and ensures built frontage to Darlington Road, set back behind a landscaped edge. The proposed layout positively responds to the site context, both in terms of its relationship to the adjacent development and the creation of a landscaped edge through structural planting at the eastern boundary.
131. The indicative layout shows cells of development separated by a winding landscaped pedestrian route through the site. This route is addressed by development frontage, allowing for natural surveillance of the space. In general terms, the indicative layout shows that all streets and spaces within the site are defined strong building frontage.
132. Should the development progress to a detailed stage, the applicant should ensure the principles contained within the indicative layout are taken forward and carry out an assessment of the characteristics of the area, ensuring proposals respond to the positive elements of the local vernacular, resulting in development which is of locally inspired or otherwise distinctive design. In addition, parking should be well-integrated with buildings, so it does not dominate the streetscene or impact on the ability of the street to function as a social space.
133. In regards to heritage assets, the nearest listed building is the Grade II listed Milestone located approximately 150m west of the site boundary. Barnard Castle Conservation Area is located approximately 620m to the west. Design and Conservation Officers have raised no concerns that the development would impact upon these assets. The proposals are therefore considered compliant with CDP Policy 44 and Part 16 of the NPPF in this regard.
134. With regards to separation distances it is considered that the minimum requirements stated in the Council's Residential Design Supplementary Planning Document could be achieved, and that residential amenity for future occupiers would be sufficient. This would be assessed in detail should the application progress to reserved matters stage.
136. In terms of compliance with CDP policy 6 the it should be ensured that the development:
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
137. Overall, it is considered that the indicative proposals are acceptable in terms of appearance, layout, scale and landscaping and would result in a good quality development with no adverse impacts on existing occupiers. The proposals are considered to be in accordance with the relevant National and Local Plan policies along with the adopted Supplementary Planning Document, policies 6 and 29 of the CDP and part 12 of the NPPF.

## Ecology

138. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. In particular paragraph 175 requires the planning system to achieve measurable net gains for biodiversity. Policy 41 displays a broad level of accordance with approach stating that new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 43 seeks to protect designated ecological sites and minimise impacts upon protected species.

139. A range of biodiversity mitigation options are proposed in the submitted ecology surveys, providing the measures are implemented in the final design of the site and dwellings, the biodiversity loss can be minimised and compensated for. The mitigation relates to the general habitat compensation around the site and details specific bat roost installation in the new dwellings and bat and bird boxes around the site (among other measures such as lighting constraints). In order to control the implementation and long-term management and monitoring of these habitat works, it would be necessary to secure these via an agreement under Section 39 of the Wildlife and Countryside Act 1981.
140. The development is considered to accord with the aims of policies 41 and 43 of the CDP and paragraph 175 of the NPPF.

#### S106 Contributions

141. The aforementioned Section 39 agreement would form a part of a necessary S106 legal agreement to secure planning obligations. Policy 26 requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. Although open space is provided on site, there will also be a requirement for a contribution toward existing facilities in the Electoral Division of £157,410.
142. As part of the consultation process the NHS have been consulted. As a result of the proposed development they have requested a contribution of £45,360 which would mitigate any impact on services at the local surgery.
143. As noted above Traffic Assets officers have requested funding for a 'Gateway' type traffic scheme (signs/lines etc) to encourage reduced A67 traffic speeds inbound to the settlement, in the vicinity of the new site access, it is confirmed that this would be secured within the Section 106 legal agreement with £5000 agreed as an appropriate figure.
144. As this site is within a higher value area, this development would require 20% affordable housing in the form of affordable home ownership and affordable rent. The applicant has agreed to provide the requisite provision of affordable housing and this would also be secured through a Section 106 agreement. Each of these planning obligations are considered to comply with CDP Policy 25.

#### Public responses

145. With regard to concerns that the site is not allocated in the County Durham Plan it should be noted that Policy 6 does specify unallocated sites can be considered for development and housing is not only acceptable on those allocated sites under policy 4. It is considered for the reasons set out in this report that the proposal complies with policy 6 and is therefore acceptable.
146. In terms of traffic congestion and highway safety it is set out earlier in the report that highway officers consider that the proposals would not be prejudicial to highway safety or have a severe cumulative impact on network capacity that would warrant refusal of planning permission.
147. Residents are concerned that there are too many developments in the area. The housing needs of County Durham are outlined in the CDP. Housing on unallocated

sites can be acceptable under the provisions of the plan most notably by Policy 6. The housing requirements contained within the County Durham Plan are minimum figures rather than ceilings. If windfall development of unallocated sites means that housing completions exceed the requirement figures of the County, then this is deemed reflective of a buoyant housing market.

148. Residents have also raised concerns that the scheme would provide additional burdens to the infrastructure to the town with greater demand. Education officers have been consulted as part of the application process and have confirmed that there is sufficient capacity in both primary and secondary schools to accommodate the proposed development. As noted above the NHS have requested a financial contribution toward increasing capacity at the local surgery in order to offset any impact arising from the development and this has been agreed.
149. In terms of loss of character, it is noted that the site is situated within a landscape conservation priority area on the outskirts of Barnard Castle; a historic market town and is included in the County Areas of High Landscape Value (AHLV). As noted above, officers consider that the proposals do not contribute to coalescence, result in ribbon or backland development; the character and locality is not significantly affected and forms a logical extension to the existing built form of development and it is appropriate to the form and setting of the settlement. The proposals would subject to conditions requiring landscape mitigation, comply with the aims of the Landscape Visual Impact Assessment.
150. There are also concerns that development would lead to a loss of wildlife. It should be noted that the applicant has provided evidence to show measurable net gains for biodiversity. These gains, along with the recommendations of the submitted ecology survey would be conditioned in order to maintain and improve ecological habitat.
151. Finally, another concern raised was the loss of residential amenity to residents on the adjoining new housing estate. The submitted indicative layout plan shows that the development is capable of achieving the appropriate distancing standards and amenity space that would ensure that there are no adverse impacts in terms of overlooking, overshadowing, loss of light or privacy. This would be reassessed in detail if the application progresses to reserved matters stage.
152. Overall, the concerns of objectors have been taken into account and addressed either during the application process or in this report. It is not considered that the proposals would lead to any significant loss of amenity to nearby residents that would warrant refusal of planning permission. With regard to ecology, flooding and highways concerns, the appropriate specialist officers dealing with these issues raise no objections.

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## **CONCLUSION**

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- 153 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
154. In summary, it is acknowledged that this proposal is not an allocated housing site under policy 4 of the CDP. However, policy 6 of the CDP allows for unallocated sites on the basis that specific criteria are met. In this instance, and for the reasons set out in this report, it is considered that on balance the proposed development complies with the criteria of policy 6. Paragraph 11 of the NPPF states that development proposals accord with an up to date development plan, should be approved without delay.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- a financial contribution of £157,410 towards open space and recreational facilities in the Electoral Division
- 20% affordable housing on site
- a financial contribution of £45,360 for the upgrading of healthcare provision in the Electoral Division
- a financial contribution of £5000 toward a traffic gateway feature on the A67
- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy, of biodiversity habitat creation based on the habitat type and areas/management principles covered in the submitted Biodiversity net gain report (FPCR, January 2021) and associated Darlington Road Biodiversity Metric

And subject to the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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.

2. 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 and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans: Location Plan HJB/4049/26, Site Boundary Plan HJB/4049/27 and Milestone Transport access drawing Rev H.

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. The development hereby approved shall be carried out in full accordance with the recommendations detailed in Section 4 of the Bat report (FPCR, October 2020), including the installation of integrated bat boxes into at least 10% of the new dwellings on site and the recommendations detailed in Section 6 of the Breeding bird report (FPCR, October 2020).

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF and policy 41 of the CDP.

5. No development shall commence until a detailed lighting strategy with regard to bat activity is submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed strategy in perpetuity.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF and policy 41 of the CDP.

6. Prior to the submission of Reserved Matters, a copy of any analysis, reporting, publication or archiving required as part of the investigation strategy "Land off Darlington Road, Barnard Castle, County Durham Written Scheme of Investigation for an Archaeological Evaluation by Trial Trenching December 2020, Wardell-Armstrong" shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

7. No development shall commence until a scheme to detail how 66% (rounded up or down to nearest whole number) of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with policy 15 of the CDP. Required to be pre-commencement as no development can occur until it is known how the M4(2) dwellings are incorporated into the development.

8. The development hereby approved shall provide 10% of level access flats, level access bungalows or other housing product that can be shown to meet the specific needs of a multi-generation family. The reserved matters submissions of layout, appearance and scale must include this provision.

Reason: In order to address housing need requirements in accordance with policy 15 of the CDP.

9. 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 Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

10. Any remediation works required shall be carried out in accordance with the approved remediation strategy. If remediation is required, 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.

11. No development shall commence until plans showing the detailed design and full engineering details of the proposed site access junction, including bus lay-bays, bus stop associated infrastructure, and pedestrian refuge, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with delivery timescales also to be submitted for approval by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policy 21 of the CDP and part 9 of the NPPF. Required to be pre-commencement as the precise access arrangements must be agreed before the development commences.

12. The development shall be carried out in accordance with the submitted travel plan by Milestone dated October 2020.

Reason: In the interest of sustainable transport and in accordance with policy 21 of the CDP and part 9 of the NPPF.

13. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by and Drainage Strategy issue 7 – January by Shadbolt.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with part 14 of the National Planning Policy Framework and Policy 35 of the CDP.

14. The development shall be carried out in accordance with the aims of the Landscape and Visual Appraisal (Chapter 7) by Pegasus Group.

Reason: In the interests of visual amenity and in accordance with policy 39 of the CDP and part 15 of the NPPF.

15. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy 31 of the CDP.

16. 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:

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

Details of methods and means of noise reduction/suppression.

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

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.

17. Development shall not commence until a scheme for the disposal of foul water from the development hereby approved has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of foul and surface water from the site and in accordance with CDP Policies 35 and 36 and Part 14 of the NPPF. Required to be pre-commencement as the drainage of the development should be devised prior to development occurring.

18. The development shall be carried out in accordance with the recommendations of the submitted Arboricultural Impact Assessment by Wardell Armstrong dated October 2020 and the Tree Protection Plan NT14972-001 rev P0.

Reason: In the interests of visual amenity and in accordance with policies 39 and 40 of the CDP and part 15 of the NPPF.

19. The reserved matters submissions of layout, appearance and scale shall be accompanied by a scheme demonstrating how the development will achieve

reductions in CO<sub>2</sub> emissions. 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.

20. No dwelling shall be occupied until a scheme of sound attenuation measures has been completed in relation to the boundary between the development site and the existing scrap/storage yard located to the northwest of the development and said scheme must have first been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from the commercial process on the existing scrap/storage yard located to the northwest shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00 at noise sensitive receptors on the development site. Any measurement and assessment shall be made according to BS 4142: 2014+A1: 2019; alternatively, due to the potential impact of Covid-19 restrictions, predictive modelling, based on a worst-case scenario, may be undertaken.

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

21. All of the dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

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.

22. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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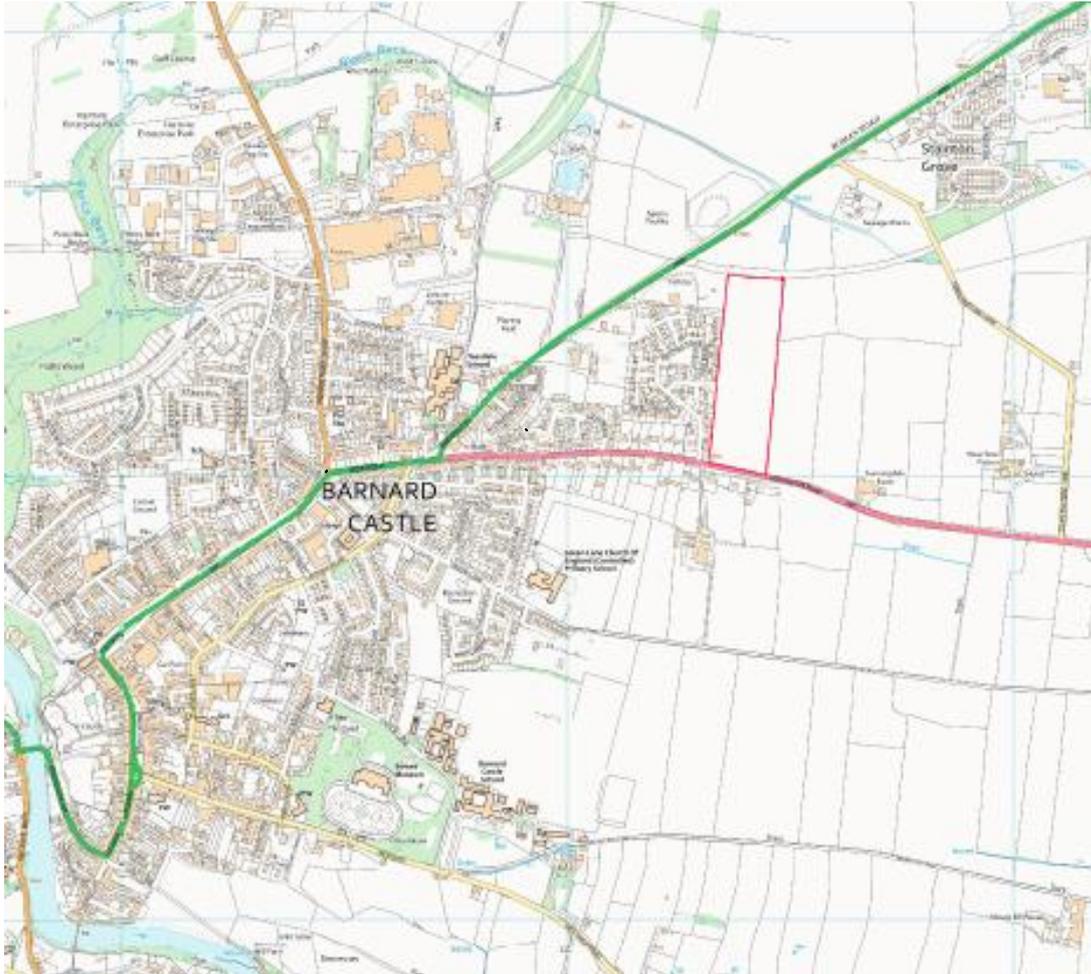
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant  
Statutory, internal and public consultation responses  
The National Planning Policy Framework (2019)  
National Planning Practice Guidance Notes  
County Durham Plan  
County Durham Strategic Housing Land Assessment Report (2019)  
County Durham Strategic Housing Market Assessment (2019)  
Open Space Needs Assessment (2018)  
Residential Amenity Standards SPD (2020)  
County Durham Building for Life SPD (2019)  
County Durham Landscape Strategy (2008)



<p><b>Planning Services</b></p>	<p>DM/20/03070/OUT Residential development of up to 100 units (outline with all matters reserved apart from access)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>		
	<p><b>Date</b> 2<sup>nd</sup> March 2021</p>	<p><b>Scale</b> NTS</p>