

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/01980/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	48. no. dwellings, conversion of school building to 9no. flats & associated demolition and landscaping and provision of open space
<b>NAME OF APPLICANT:</b>	Kebbell Development Ltd
<b>ADDRESS:</b>	Site of The Former St Peters School Main Road Gainford DL2 3BQ
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site lies to the south of the A67, on the site of the former St Peters School near Gainford. It falls within Gainford Conservation Area and an Area of High Landscape Value. The River Tees curves to the south and west, while Gainford sewage treatment works lies to the south. There are 3no. residential properties to the west/north west of the site.
2. Most of the former buildings have been demolished, except for the remnant Victorian building and former electricity substation to the front, and the modern former gymnasium within the site.
3. The application is submitted in full and proposes 16no. two-bed, 23no. three-bed and 9no. four-bed new build properties, and conversion of the frontage building to 6no. one-bed and 3no. two-bed flats. The proposal also makes provision for an area of publicly accessible open space to the south of the development site.
4. The application is reported to the Planning Committee as it constitutes a major development.

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## PLANNING HISTORY

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5. Planning approvals were issued in the mid 1980's for demolition, conversion to flats, nursing home rehabilitation centre office and light industrial use. In 2008 planning approval was granted for the development of an extra care centre for the elderly through conversion and new build residential blocks. An application was submitted in 2015 relating to part of the current application site for the provision of flats within the main school building and for 10 new dwellings on the site (DM/15/00730/FPA). This application was recommended for approval by the South

West Area Planning Committee, but the planning approval has not been issued because the S106 agreement associated with that application has not been completed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
8. *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.
9. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development, it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
10. *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.
11. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
12. *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.

13. *NPPF Part 15 - 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.
14. *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.

*The above represents a summary of those policies considered most relevant in the Development Plan*

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

15. The following saved policies of the Teesdale Local Plan 2002 are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
16. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
17. *Policy ENV1: Protection of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
18. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value:* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
19. *Policy ENV8: Safeguarding Plant and Animal Species Protected by Law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.

20. *Policy ENV15: Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Applications will be considered against the criteria in the sequential test set out in paragraph 30 and table 1 of ppg25. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment as outlined in ppg25, appendix f. Developers will be required to fully fund the provision and future maintenance of flood mitigation and defence measures required as a result of their proposals, including any consequent works to prevent additional flood risk to other land/properties. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
21. *Policy BENV4: Development within and / or adjoining Conservation Areas* Development within and/or adjoining conservation areas will only be permitted provided that: The proposed location, design layout, materials and scale respects the quality and character of the area; materials for buildings and hard landscaping must be appropriate to and sympathetic with the characteristics of the area; the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area; the proposal does not destroy trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or the appearance to the area and its settings; any services which lead to the new development should wherever possible be located underground; proposals should meet the requirements of other relevant policies of the local plan. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.
22. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
23. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
24. *Policy ECON 1: Availability of industrial and Commercial Land* Sets out that land will be allocated for business, general industry and distribution uses throughout the District.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An

'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. The Pre-Submission Draft will be subject to consideration by Cabinet on the 16<sup>th</sup> January 2019, prior to consultation commencing on the 25<sup>th</sup> January 2019 for a period of 6 weeks. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. *Highway Authority*: No objections subject to receiving engineering details relating to access work and highways within the site. The internal highways are laid out to an adoptable standard and parking provision at dwellings is now also acceptable.
27. *Northumbrian Water*: No objection subject to drainage condition.
28. *Environment Agency*: No objections.

### **INTERNAL CONSULTEE RESPONSES:**

29. *Drainage and Coastal Protection*: No objections, from a flood risk and surface water management point of view the proposal is satisfactory.
30. *Spatial Policy Team*: The site comprises mainly previously-developed land. Historically the site was allocated as employment land within the Teesdale Local Plan, however this designation is not going to be carried forward into the emerging local plan as the Employment Land Review has identified that there is limited demand or need for employment uses on the site. The Teesdale Local Plan allows for the change of use or conversion of land or buildings from an employment generating use in instances where it has been proven that there is no demand or need for employment uses in the locality. In terms of the overall principle the site is considered relatively sustainable and there are clear benefits from permitting the development of this site to be weighed into the planning balance.
31. *Affordable Housing*: The required level of affordable housing in this location would be a 20% provision which on this scheme relates to 11 units. In line with the Strategic Housing Market Assessment Affordable social rented and intermediate tenure properties should be provided on this site to an 80:20 ratio.
32. *Design and Conservation*: The scheme is acceptable in terms of scale, massing, layout, materials, detailing and design in general. It is positive that the existing former school building to the front is to be retained for conversion, the value of this building increased by its architectural detailing and regional rarity as a remnant of a catholic institution. It is considered that the impact on significance will be broadly positive if appropriately delivered. The significance of the retained building will be enhanced considerably through reuse and its setting whilst changed will be enhanced. The development will also see the wider site addressed which has long been a negative feature in a prominent location within the Gainford Conservation Area.

33. *Archaeology Team*: There are no below ground archaeological issues but there should be a programme of building recording in relation to the existing building proposed for conversion.
34. *Environmental Health*: Some initial concern that odour from the sewage treatment works (STW) to the south of the site would be notable from properties on the far south eastern corner of the site. However, it has been since confirmed that the receptor points which were identified as being affected with low levels of odour for a short period in any year were based on the site layout plan and the southernmost properties are in fact situated north of the area that could potentially suffer from odour impact. In relation to potential for noise from the STW and A67, the results of the noise survey are accepted. There would appear to be no noise impact from the STW while mitigation measures including fencing to gardens directly adjacent to the A67 and provision of glazing and ventilation to the level specified within the assessment in relation to windows that directly face the A67.
35. *Ecology*: No objection. The mitigation recommendations relating to bats and otters should be conditioned. In order that the site provides the required ecological gains it is recommended that recreational access to some areas of the public open space is restricted in order to reduce impacts on ground nesting birds, otter and other species who are sensitive to disturbance from recreation/dog walkers etc. A detailed management and monitoring strategy will be required to address these issues.
36. *Contaminated Land*: Contaminated land condition required, relating to phase 2 works onwards.
37. *Education Section*: No objections, there are sufficient school places available to meet the likely need from the development, no contributions towards education provision are required.
38. *Landscape Section*: Some concern regarding exact species proposed within the indicative landscape scheme, although this could be resolved through the submission of a full landscaping scheme for the development as a whole.
39. *Landscape Section (Trees)*: Previous comments have been made in relation to this application and these comments are in response to an updated layout plan. The proposal involves the removal of a number of trees of varying quality and ideally the houses on the western boundary would have been set further from the trees as the close proximity will inevitably increase the possibility of accidental damage through the tight constraints of the site during development and post development pressures to prune these trees. If the application is considered acceptable it is recommended that the tree protection measures are followed in full and that the applicant produces a detailed planting scheme and schedule and plants appropriate tree species in sustainable positions.
40. *NHS*: no response.

#### **PUBLIC RESPONSES:**

41. The application has been publicised by way of site notice, press notice and neighbour notification letters. Two letters of comment have been received. One letter details how the site should be developed, for example allowing plenty of open space to the south and developing on the northern part of the site adjacent to the road only. A further letter accepts the principle of development due to the largely brownfield nature of the site but questions the incursion into open land to the south

of the site and the implications that this may have for considering the development of other open land on the fringes of Gainford.

*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/>*

#### **APPLICANTS STATEMENT:**

42. The current application seeks approval for an attractive scheme of 57no. units of various types and sizes at St Peter's, Gainford. This development, which has extensive support from local residents (established through the pre-application consultation exercise undertaken by the developer), will provide a major and much-needed boost to the housing supply within County Durham, thereby helping the County meet the housing needs of both present and future generations. It will also result in material benefits that positively address all three dimensions of sustainable development (i.e. social, economic and environmental) identified in the NPPF, on the basis it will:
- Deliver on-site affordable housing units of various types, offering first time buyers and those on lower incomes increased opportunities to access new housing;
  - Retain and bring back into use a non-designated heritage asset, adding character and interest to the site;
  - Be located in a demonstrably sustainable location, adjacent to a well-established village with services and facilities available, as well as good public transport links to larger towns;
  - Be served by a suitable and safe access from the A67;
  - Support the vitality and viability of key local services and facilities through increased local spending;
  - Be of high-quality design and a style well-suited to the local area;
  - Utilise a significant area of previously developed land;
  - Create jobs during the construction process; and
  - Provide additional revenue to the Council from the New Homes Bonus and Council Tax.
43. Prior to the submission of a planning application, the developer engaged in extensive pre-application discussions with Officers over the acceptability of the proposals. This established that residential development is considered acceptable on the site in principle. With the principle established, the suite of supporting/technical documents (covering matters such as drainage/flood risk, ecology, highways etc.) submitted as part of the application highlighted that the proposals will not conflict with any relevant NPPF or saved Local Plan policies, subject to mitigation measures where appropriate.
44. As a suitable form of development that is fully compliant with the development plan in force for the area, NPPF advice is that such proposals should be approved

without delay. With this in mind, we respectfully urge the Council to support the recommendation of their Officers and resolve to grant planning permission accordingly, subject to any conditions deemed appropriate on this occasion.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to impact on the landscape, design, impact on heritage assets and other issues.

### Policy Context

46. Given the age of the Teesdale Local Plan its housing policies cannot be considered as up to date, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time. The site is also allocated for industrial use within the Teesdale Local Plan, but this designation is out of date as more recent evidence shows the site is no longer required for commercial use.
47. This engages Paragraph 11 of the NPPF (the Framework), which requires that this application be considered in the context of the presumption in favour of sustainable development.
48. For decision taking this means where the policies which are most important for determining the application are out-of-date, granting permission unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole.

### Housing Land Supply

49. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council considers it is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
50. Although the supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
51. In terms of affordable housing need, the County Durham Strategic Housing Market Assessment 2013 identifies a need for affordable housing, equating in this case to the delivery of 11 affordable units on the development.
52. This would be delivered in the scheme at an 80:20 ratio (Affordable rented / intermediate tenure) and would consist of 4no. 1 bed apartments, 2 no. 2 bed apartments, 4 no. 2 bed semi-detached dwellings and 1no. 2 bed bungalow.

These would likely be provided through a registered provider who has expressed an interest in providing these units and can be secured through a S106 Agreement.

53. Subject to the completion of the agreement, the proposal would make appropriate provision of affordable housing and thereby satisfy the requirements of Teesdale Local Plan policy H14, as well as the aims of Part 5 of the NPPF in respect of delivering a wide choice of high quality homes

#### Location

54. While the site is within the countryside, most of it is previously developed land, the use of which is strongly encouraged by NPPF Para's 84, 117 and 118.
55. Gainford is classed as a tier 3 local service centre in the County Settlement Study reflecting the reasonable range of services and facilities available within the village. It also forms part of a cluster of villages along the A67 between Barnard Castle and Darlington with a regular bus service, which can be accessed close to the entrance of the development site. It would also be possible to walk into the village, utilising an existing track to the footway along the southern side of the A67, past the surgery and into the village without having to cross the main road.
56. Therefore, the proposal would be in accordance with the requirements of Teesdale Local Plan policy GD1 in respect of adequate links and access to public transport and does not conflict with the housing location aims of the NPPF in respect of ensuring development takes place in locations which would not result in an undue reliance on private motor vehicles.

#### Industrial Land Allocation

57. Whilst the site is allocated for industrial purposes by the Teesdale Local Plan (Policy ECON1), the site has been vacant since 1998 and no industrial use proposals have come forward in that time. It is also noted that the Councils' most up to date Employment Land Review identifies that there is a limited demand or need for employment uses on the site and as a result the industrial allocation is not going to be carried forward into the County Durham Plan (CDP). The fact that the Conservation Area Boundary was extended in 2013 to include this site further reduces any likelihood of the site being used by employment uses.
58. NPPF Para 120 states that planning decisions need to reflect changes in the demand for land, including supporting alternative appropriate uses. Taking all this into account, it is considered that the site's industrial allocation within the Teesdale Local Plan is out of date and there is little prospect of the site being used for that purpose. It is therefore appropriate to consider the site for other uses, including housing.

#### Character and appearance

59. The application site lies within an Area of High Landscape Value where policy ENV3 of the Teesdale Local Plan requires that development does not detract from the area's special character and pays particular attention to the landscape qualities of the area. This remains broadly consistent with Part 15 of the NPPF in terms of recognising the intrinsic character and beauty of the countryside and protecting valued landscapes.

60. Furthermore, as the site falls within the Gainford Conservation Area, Regard must also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by paying special attention to the desirability of preserving or enhancing the character or appearance of that area. These statutory provisions are implemented by Teesdale Local Plan policy BENV4, as well as NPPF Part 16, which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
61. The surrounding context of this site varies in character from the open agricultural fields that surround the site, existing residential properties to the north and west and sewage treatment works further to the south. Whilst only one of the main former school buildings remains on the site, the unmistakable appearance of the site is of the remains of its former use, which in its current state detracts from both the character and the appearance of the landscape and wider area, including the Gainford Conservation Area.
62. The site has most public visibility when approaching Gainford from the east, where the eastern and northern edge of the development would be viewed from the A67. The development would be conspicuous in these views; however regard must be given to the fact that the site already contained imposing 3 storey buildings along these boundaries, one of which is being incorporated in the scheme.
63. The proposal would maintain the open land to the east and most of the land south towards the river, which along with the retained frontage building, are the features and characteristics that contribute most to the landscape quality of the area and significance of this part of the Gainford conservation area. Furthermore, whilst the development would represent a not-insubstantial scale of residential development beyond the envelope of the village, it represents the redevelopment of a previously developed site, which is clearly separate from the village and varies significantly in its character from other areas of open countryside around the village. As such it is considered that the development would not irretrievably alter the scale and character of the village or create a precedent for any development between the site and village. In any event, the potential for development of any other site would have to be considered on its own merits.
64. Appropriate design consideration has been given to the orientation and projecting gable features of the north and east facing properties, as well as the retained building, to create an attractive frontage in these most prominent views. The general design theme for the new dwellings proposes brick-built dwellings with gabled roofs, fitted with either slate or tiles. A variety of sash and casement windows are proposed along with stone heads and cills. This would pay some respect to the previous character of buildings on the site and is in keeping with the properties close to the application site. Gainford does have its own Village Design Statement, but as this site lies well beyond the village envelope and historic core it is not particularly relevant to this site. Overall, the Design and Conservation Section considers the scheme to be acceptable in terms of its scale, massing, layout, detailing and materials, the specific details of which can be secured by conditions. The development respects the residential amenity of existing properties close to the site through its design.
65. A number of trees of varying quality would have to be removed to accommodate the development, however some of the most mature trees along the western side of the site would be retained, along with a mature ash tree at the entrance. Significant replanting is also indicated in a comprehensive landscape strategy including new trees within the development site and native woodland mix planting

within the land to the south, which is to be managed as an accessible area of open space. Specific details of planting and management can be secured by conditions.

66. On this basis, it is considered that notwithstanding the landscape and conservation area designations within which the site sits, the proposed redevelopment of this brownfield site for housing in the manner proposed would not result in unacceptable harm to the character and appearance of the area, or to the significance of the Gainford Conservation Area. Consequently, the character and appearance of the Gainford Conservation Area would be preserved and the proposed development would satisfy policies BENV4, ENV3 and GD1 of the Teesdale Local Plan. Accordingly, the proposal would also be consistent with Parts 11, 12, 15 and 16 of the NPPF in these respects.

#### Flooding and drainage

67. The River Tees flows to the south and west of the application site, but the housing would be located wholly within Flood Zone 1 with a low flood risk probability.
68. However, the submitted flood risk assessment notes that there is a risk of surface water flooding on and adjacent to the site. To combat this, a detailed drainage layout has been devised including SUDS features like porous paving to drives, roof water soakaways, storage pipes and hydro brake, and a wetland area within the open space to the south.
69. There are no objections from the Environment Agency and the Council's Drainage and Coastal Protection Section.
70. Foul water would be disposed of to the existing sewerage network, to which Northumbrian Water raise no objections.
71. The development would therefore satisfy Teesdale Local Plan policies GD1 and ENV15 in respect of flood risk and drainage provisions. Accordingly, the proposal would also be consistent with Part 14 of the NPPF in these respects.

#### Highways

72. The development would be served by a new vehicular access onto the A67 at the north east corner of the site. Some minor works within the highway would also be required, including the closing of the existing entrance, re-location of a pedestrian island to the east and extension of the pedestrian footway, which can be conditioned.
73. Although the A67 is a busy road, the Highways Authority is satisfied that the proposed access to the site has been designed to ensure adequate visibility. There is no evidence to suggest the traffic generated by the proposal would result in any severe impacts on the operational capacity or safety of use of the highway network. The internal road arrangement and the off-street parking levels proposed are also to the satisfaction of the Highways Authority, although they do require the submission of further engineering details, which can be conditioned.
74. On this basis and given the acceptance of the scheme by the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. There is no conflict with Teesdale Local Plan Policies GD1 and T1 or NPPF Part 9 in these respects.

## Ecology

75. The site consists mainly of an open area of improved grassland, semi-improved neutral grassland, scattered trees, buildings, intact hedgerow, scrub and tall ruderal mosaic, introduced shrub, woodland and bare ground. These habitat types are common and widespread both locally and nationally and are largely limited in their ecological value, although there is the opportunity for foraging bats within the site and the potential presence of otter around the river fringes. Impact on these species therefore needs to be considered. All British bat and otter species are European protected species and afforded protection under both the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
76. The submitted ecology appraisals identify that the development is not expected to impact on roosting bats through proposed demolition and tree removal and therefore a Natural England licence would not be required, although post development disturbance impacts are possible in relation to commuting and foraging bats currently utilising the development site. Mitigation measures are proposed in the form of a sensitive lighting scheme to the development and the installation of bat boxes within 4no. properties on the southern section of the site. There may also be potential for increased disturbance to otter commuting or foraging along the river corridor, but mainly during construction. The mitigation recommends sympathetic working methods during the construction phase to mitigate any short-term disturbance impacts.
77. Furthermore, the scheme includes a range of other biodiversity mitigation and enhancement measures, including the provision of significant wildflower, grassland and woodland areas, along with a reedbed to be utilised as a SUDS feature.
78. The mitigation and enhancement features will require careful timing and management in perpetuity and therefore a biodiversity management plan with a timetable for implementation will be necessary but can be secured by a condition.
79. Overall, it is considered that the need for housing and environmental improvements to the character and appearance of the site are strongly in the public interest, and subject to the mitigation measures the development is unlikely to have a significant effect on the local bat and otter population. The combination of mitigation and enhancement features also have the potential to provide a net gain in biodiversity compared to the existing site conditions in accordance with NPPF paragraph 170(d). There is no objection from the Council's Ecology Section.
80. On this basis, the development would accord with Policies GD1 and ENV8 of the Teesdale Local Plan and part 15 of the NPPF.

## Open Space provision

81. Policy H1A seeks the provision of open/play space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.
82. The development of 57 dwellings in total would increase the need and use of open space and recreation facilities, but the scheme would help meet this demand by the provision of an area of open amenity space immediately to the south of the development, which the applicant proposes to be managed by a private management company.

83. Furthermore, an off-site financial contribution of £37,791 would contribute towards the improvement of local Allotments, Parks Sports and Recreation Grounds. This can be secured via S106 agreement.
84. It is therefore considered that the proposal satisfies the requirements of Teesdale Local Plan Policy H1A and NPPF Part 8.

#### Other Issues

85. A sewage treatment works is located approximately 135mtrs to the south of the site, but an odour impact assessment concludes that it is unlikely that future residents of the proposed development will experience odour nuisance as a result of the STW. There is no objection on these grounds by the Council's Environmental Health Section. There are unlikely to be any unacceptable impacts on residential amenity as a result of the presence of the STW.
86. Consideration has also been given to how road noise from the A67 could impact on the development. Adequate reductions can be achieved by using a good standard of double glazing in windows serving rooms which face the A67, as well as acoustic fencing to garden areas that are exposed to the A67. However, the front gardens of plots 32 and 33 would not be important amenity areas and therefore acoustic fencing would not be necessary to those plots, as well as being visually inappropriate. The mitigation measures can be secured by conditions.
87. The Education section have advised that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and therefore the scheme is not expected to make any contributions in this respect.
88. The Archaeology Section is satisfied that there are no below ground archaeological issues, but as the last remaining former school building has historic and evidential interest, and can be considered a designated heritage asset, there should be building recording prior to conversion, which can be conditioned.
89. Because of the previous use of the site and change to more sensitive receptors, it will be necessary for further site investigations to be carried out to identify any potential for ground contamination and mitigation requirements before commencement of development, as recommended by the Contaminated Land Section.
90. Because of the scale and proximity of development to neighbouring residential properties it will be necessary to protect neighbours' living conditions by limiting construction hours and requiring approval of, and adherence to, a Construction Management Plan.
91. Because the site lies within the Gainford Conservation Area, samples of all wall and roof materials, and details of doors and windows will be necessary to preserve the character and appearance of the area.
92. Pre-commencement conditions are necessary where they relate to the start of the development or are issues that are fundamental to the acceptability of the development.

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## CONCLUSION

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93. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
94. The proposal would provide economic and social benefits by adding 57 dwellings to the mix and supply of housing, but in light of the Council's current land supply position, these factors are attributed less weight than they would if there had been a significant shortfall in housing land supply. The provision of 11 affordable units is however a benefit that carries substantial weight.
95. The contribution to the local economy in terms of jobs and spending to support local services and facilities in Gainford are benefits arising from the development to which at least moderate weight should be given.
96. The redevelopment of a derelict, largely previously developed site, fulfilling one of the core planning principles in the NPPF, and subsequent enhancement to the character and appearance of the Conservation Area, are significant environmental benefits which can be given substantial weight.
97. Notwithstanding its position in open countryside, the proximity of the site to the village and its accessibility means the site is a suitable location for housing.
98. The open space provision and ecological enhancements are required to mitigate the impacts of the development and are therefore neutral factors, not benefits.
99. Whilst the proposal would extend development marginally beyond the previously developed area of the site and result in the loss of some trees, any harm to the overall character and appearance of the surrounding countryside arising from the housing development would neither be significant nor unacceptable.
100. Taking everything into account, including all other material considerations, it is concluded that there are no adverse impacts associated with the development that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Furthermore, there are no specific policies in the NPPF which provide a clear reason for refusing the proposal.
101. In this instance para. 11 of the NPPF advises that permission should be granted and accordingly the application is recommended for approval.

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## RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure 11 affordable dwellings; the provision and future maintenance of associated open space and £37,791 contribution towards offsite open space provision or maintenance; and the following conditions;

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

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

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

PROPOSED FLOOR PLANS rec. 29<sup>th</sup> June 2018

HOUSE TYPE 11"

HOUSE TYPE 10"

HOUSE TYPE 9"

HOUSE TYPE 8"

HOUSE TYPE 7"

HOUSE TYPE 6"

HOUSE TYPE 5"

HOUSE TYPE 4"

HOUSE TYPE 3"

HOUSE TYPE 2"

HOUSE TYPE 1"

PROPOSED SITE SECTION"

PROPOSED ELEVATIONS"

LOCATION PLAN"

LONGITUDINAL SECTIONS ROAD 1 19<sup>th</sup> September 2018"

LONGITUDINAL SECTIONS ROAD 2 AND ROAD 4"

SWEPT PATH ANALYSIS FOR TWO LARGE CARS"

PROPOSED SITE ACCESS ARRANGEMENTS FROM A67 GENERAL ARRANGEMENT  
6<sup>th</sup> November 2018

PROPOSED SITE ACCESS ARRANGEMENTS FROM A67 ENGINEERING LAYOUT"

Proposed Site Plan 010 Rev P13 rec. 15<sup>th</sup> November 2018

House Type 12"

House Type 13"

Garage Types"

Drainage Layout Rev G 19<sup>th</sup> December 2018"

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Teesdale Local Plan Policies GD1, ENV1, ENV3, ENV8, ENV15, BENV4, H1A, H14 and ECON1 and NPPF Parts 5, 8, 9, 11, 12, 14, 15 and 16.*

3. No development shall commence until samples of all proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan.*

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, specifying planting species, sizes, layout, densities/numbers of planting and details of hard surface materials, as well as a timetable for provision of all elements of the scheme.

The landscaping shall be carried out in accordance with the approved details and timings and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species. Replacement shall be subject to the same.

*Reason: In the interests of visual amenity having regards to Policy GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.*

5. No development shall commence until plans showing full engineering details of the proposed estate road, footways within and connecting to the site, street lighting, junction design and relocation of the A67 pedestrian island have been submitted to and approved by the local planning authority. Development shall take place in accordance with the approved details.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Teesdale Local Plan.*

6. The relocation of the pedestrian island and pedestrian footway connections to the site approved by condition 5 shall be carried out prior to the occupation of any dwelling on site.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Teesdale Local Plan.*

7. No development, including site clearance or preparatory work, shall take place until a detailed scheme for the provision and management of the ecological mitigation and enhancement measures set out in the Dendra Ecology Report November 2018 and associated approved plans, including a timetable for implementation and the responsibilities and methods to maintain the created habitats in perpetuity, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and timings, and any mitigation works and management arrangements shall be maintained in perpetuity.

*Reason: To conserve protected species and their habitat and deliver biodiversity enhancements in accordance with Policy GD1 and ENV8 of the Teesdale District Local Plan and NPPF.*

8. No development, including site clearance or preparatory work shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include as a minimum, but not necessarily be restricted to the following:

- (a) Measures to control the emission of dust and dirt during construction;
- (b) Details of methods and means of noise reduction;
- (c) Where construction involves piling, details of measures to suppress any associated noise and vibration;
- (d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- (e) Designation, layout and design of construction access and egress points;
- (f) Details for the provision of directional signage (on and off site);
- (g) Details of contractors' compounds, materials storage and other storage arrangements for plant, equipment and temporary infrastructure;
- (h) Details of parking provision for site operatives and visitors;
- (i) Details of any security hoarding including any decorative displays;
- (j) Details of arrangements for liaison with the local community and procedures to deal with any complaints received.

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

*Reason: To ensure the construction is carried out with appropriate consideration and minimal disruption to the amenity of the local area and in the interests of highway safety in accordance with Teesdale Local Plan Policy GD1.*

9. No development, site clearance or preparatory work shall be undertaken outside the hours of 0730 and 1800 Monday to Friday and 0730 and 1300 on a Saturday, with no works to take place on a Sunday or Bank Holiday.

*Reason: To ensure the construction is carried out with appropriate consideration and minimal disruption to the amenity of the local area in accordance with Teesdale Local Plan Policy GD1.*

10. No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all

remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

11. No development shall commence until the implementation has been secured of a programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

- (a). Methodologies for a Level 2 EH-style building record prior to any conversion works or stripping out of fixtures and fittings.
- (b). A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
- (c). Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- (d). A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- (e). Arrangements for archiving the report at the County Durham Historic Environment Record.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with paras 197 and 199 of the NPPF because the building is a non-designated heritage asset.*

12. All sound attenuation measures detailed in the noise assessment BWB Noise Impact Assessment ref LDP 2112 received 29th June 2018, other than acoustic fencing to the front of plots 32 and 33, shall be fully installed prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

*Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale Local Plan.*

13. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be maintained for the lifetime of the development.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 and BENV4 of the Teesdale Local Plan.*

14. No external windows and doors shall be installed until details of their design, materials and colour have been submitted to and agreed in writing with the local planning authority. The development shall thereafter be carried out and retained in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies GD1, and BENV4 of the Teesdale Local Plan.*

15. Drainage shall take place in accordance with the drainage scheme drawing 101 REV G received 19th December 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer upstream of the Gainford STW.

*Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

16. No development shall commence until tree T2 which is situated in the southern highway verge adjacent to the A67 to the east of the site access as shown within the 'Arboricultural Impact Assessment by Elliott Consultancy Ltd March 2018' has been removed.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Teesdale Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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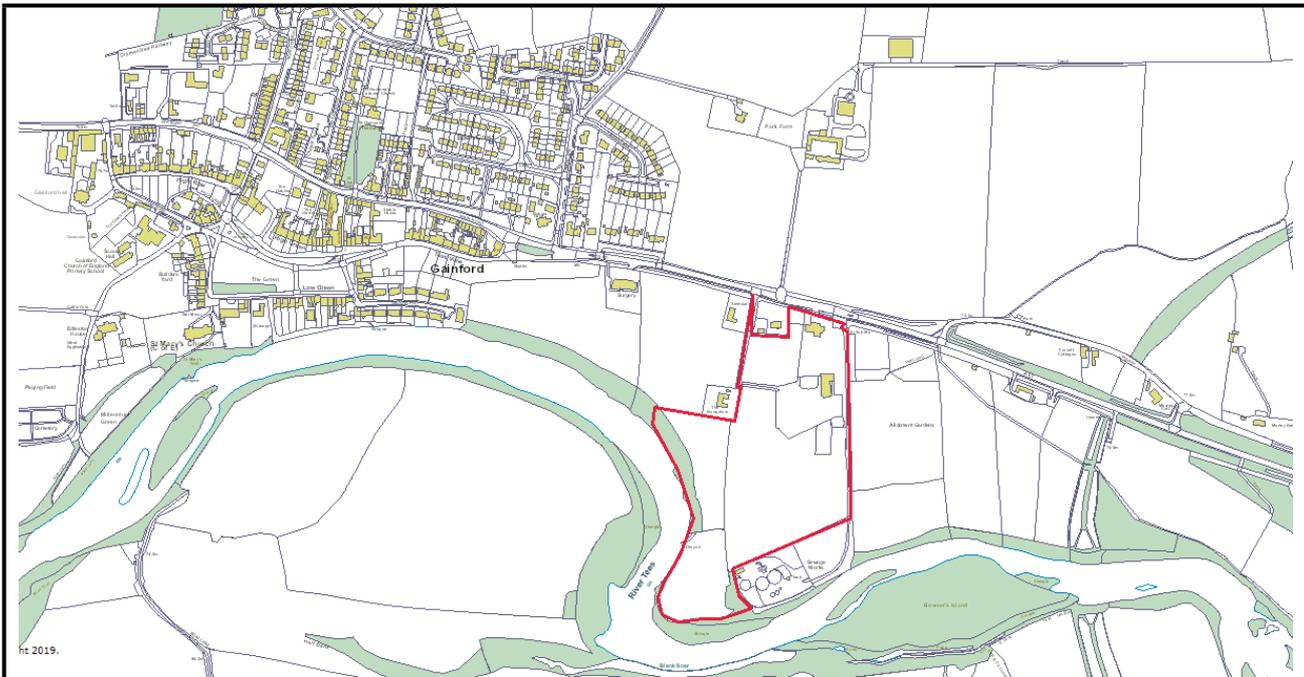
In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre-commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
All consultation responses received



**Planning Services**

48. no. dwellings, conversion of school building to 9no. flats & associated demolition and landscaping and provision of open space

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24<sup>th</sup> January 2018