

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01060/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application (all matters reserved other than access) for the erection of up to 210 dwellings and associated infrastructure.
NAME OF APPLICANT:	Gladman
ADDRESS:	Land to the West of Startforth Park, Startforth, DL12 9AL
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land, located beyond the western edge of Startforth in the South West of the County. The site extends to approximately 8.95 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 24m in a north easterly direction. The site is bound by the existing residential development of Startforth Park to the east, and agricultural fields and recreation areas associated with HMYOI Deerbolt beyond the northern boundary. To the south, further agricultural fields lie beyond the A67 Bowes Road. The south western corner of the site is adjacent to Westwood farm. Existing vehicular access to the site is provided via a field access from the A67 at the south eastern corner of the site. Mature trees and hedgerows are present around the site, in particular on the western boundary, and there are a number of trees within the site itself which are identified within the application as being veteran trees. The site also exhibits evidence of historic ridge and furrow, and lies within an Area of High Landscape Value.
2. A public right of way (Footpath No.3, Startforth) runs adjacent to the northern and north-eastern boundary of the site, and provides access from the A67, through Startforth Park and into Deepdale Wood. Barnard Castle Conservation Area is located approximately 900m to the north east of the site, within which a number of listed buildings are located. High Westwood (with attached outbuildings), is a Grade II listed building located approximately 125m to the south east of the site. Further Grade II listed buildings such as Startforth Hall, Low Startforth Hall, Startforth House, Startforth

Lodge and Holy Trinity Church are located within the local area, but are no closer than 500m from the application site.

3. With regards to sites of ecological interest, Deepdale Wood Local Wildlife Site (LWS) lies approximately 100m to the north of the site. Deepdale Wood also includes areas of Ancient Woodland. Additionally, Flatts Wood LWS, Waterman's Island LWS and Pecknells Wood LWS lie within 1km of the site, generally located to the north and north east. To the south east, Thorsgill Wood LWS lies within 1.3km, and Teesbank Woods, Rokeby LWS within 1.8km. Furthermore, Kilmond Scar Site of Special Scientific Interest (SSSI) lies approx. 2.5km to the south west of the site, and Cotherstone Moor SSSI and the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) lie approx. 4km to the north west at their closest point. The North Pennines Area of Outstanding Natural Beauty (AONB) also commences approximately 4km to the west.

The Proposal

4. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 210 dwellings. An indicative site layout has been submitted identifying that the development would be arranged around a north-south circulation road, with areas of open space located centrally and to the western boundary. A Sustainable Urban Drainage System (SuDS) basin is indicated in the northern portion of the site, with the sole vehicular access taken from Bowes Road to the eastern site boundary. The supporting information sets out that 20% of the dwellings would be offered on an affordable basis.
5. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

6. There is no relevant planning history to the site.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. 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.
9. *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.

10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.

18. *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.
19. *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>

21. 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; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining an application; flood risk; health and wellbeing; housing and economic land availability assessment; housing and economic needs assessment; land affected by contamination; land stability; 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:

Teesdale District Local Plan (2002) (TDLP)

22. *Policy GD1 – General Development Criteria*. All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV1 – Protection of the Countryside*. Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
24. *Policy ENV3 – Development Within or Adjacent To An Area of High Landscape Value*. Sets out that 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 the siting and design of buildings.
25. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* – states that proposals not connected to and related to the management of the site will not be

permitted if they have significant effects on the sites, unless there is no alternative, and there are reasons of overriding public interest.

26. *Policy ENV6 – Safeguarding Sites of Special Scientific Interest and National Nature Reserves.* States that proposals not be permitted if they have an adverse effect directly, or indirectly on the sites, unless there is no alternative, and there are reasons of overriding public interest.
27. *Policy ENV7 – Development Affecting Local Nature Conservation Sites.* States that development proposals, liable to damage the value of sites of local nature conservation importance will not be approved unless the case for the development clearly outweighs the harm and that the harm is mitigated through careful design and compensatory measures.
28. *Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law.* States that development that would significantly harm said protected species will not be permitted unless mitigating action is achievable and that the overall effect will not be detrimental to the species and the overall biodiversity of the district.
29. *Policy ENV9 – Development affecting Ancient Woodland.* States that development that would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites for the proposal.
30. *Policy ENV10 – Development affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
31. *Policy ENV12 – Protection of Agricultural Land.* Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed site, on land within the boundaries of existing developed areas, and on poorer quality farmland.
32. *Policy ENV14 – Protection of Water Quality.* States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
33. *Policy ENV15 – Development affecting Flood Risk.* Development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted.
34. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided.
35. *Policy BENV3 – Development adversely affecting Character of a Listed Building.* Development which would adversely affect the character of a listed building or its setting will not be permitted.
36. *Policy BENV11 – Archaeological Interest Sites.* Requires appropriate field evaluation prior to the determination of applications. Development which would unacceptably harm the setting or physical remains of sites of national importance, will not be approved. Development which would unacceptably harm the setting or physical remains of sites of regional or local importance where an appropriate scheme of works to either preserve or excavate remains is secured.

37. *Policy H1 – Specific Sites Allocated for Residential Development.* Allocates specific sites for residential development.
38. *Policy H1A – Open Spaces within Developments.* In new residential development of more than 10 dwellings, open space will be required to be provided within or adjacent to the development, in accordance with specified standards.
39. *Policy H3 – Housing Development on Sites of More than 0.4ha* – Identifies that housing development on sites over 0.4ha within the settlement limits of identified settlements will be approved where it accords with Policy GD1 and ECON3.
40. *Policy H6 – New Housing in the Open Countryside* – New dwellings will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be met within an existing town or village.
41. *Policy H12 – Design.* The local planning authority will encourage high standards of design in new houses and housing sites.
42. *Policy H14 – Provision of Affordable Housing within Residential Developments.* In appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing.
43. *Policy TR10 – Development affecting Public Rights of Way* – Development which would directly affect a public right of way will only be permitted if an acceptable and equivalent alternative route is provided.
44. *Policy T2 – Traffic Management and Parking.* Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
45. *Policy T7 – Public Transport.* Seeks to encourage the provision of public transport services and infrastructure including through its policies relating to the location of developments.
46. *Policy T8 – Encourage Cycling.* Seeks to encourage cycling in the district including in respects to development layout.

RELEVANT EMERGING POLICY:

The County Durham Plan

47. Paragraph 48 of the NPPF states 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' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Startforth Neighbourhood Plan

48. The Startforth Parish Neighbourhood Area has been designated, but the Neighbourhood Plan has not yet reached a point where weight can be afforded to it.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

49. *Startforth Parish Council* – Objects to the proposed development. Concerns relate to a lack of adequate amenities, facilities and services. The nearest facilities and services such as GPs, dentist, schools, bank and post office are in Barnard Castle. It would take longer than 20 minutes for primary school children to walk to schools, even if this was considered a safe journey. There is concern that the information provided by the applicant on this issue is perhaps misleading or inaccurate. Even where facilities exist, simple research will reveal that many are at capacity or over-capacity already. With regards to traffic and road safety it is considered that the only facilities and services are in Barnard Castle, accessed over the single-lane County Bridge, controlled by 3-way traffic lights and surrounded by on-road parking by residents and visitors. If there is an incident on the A66, there is bedlam through Startforth and Barnard Castle. Traffic volume and behaviour on the A67, despite the recent widening scheme, causes grave concern and there is a paucity of safe crossing places for pedestrians, including schoolchildren. There is also concern that this development would lead to the doubling of the number of dwellings in the village in a period of less than 10 years, since 2011. Additional concerns are raised with regards to the assertions of the developer in relation to the ecological value of the site, and it is noted that Startforth Park is served by a private sewer, and that should incapacity issues arise, that residents of Startforth Park would be unacceptably affected.
50. *Startforth Parish Neighbourhood Plan Group* – Objects to the proposed development. It is acknowledged that no weight can be afforded to the Neighbourhood Plan. The Group have however, consulted extensively with local Startforth residents and the overwhelming response has been that no further large housing developments are appropriate, due to the absence of local amenities and the large number of new houses already built or being constructed, (hence the significant number of objections lodged against this application.) Residents living in Startforth enjoy its quiet rural village setting. The application is flawed, with the broad-brush statement that there are "no unacceptable adverse impacts." All local residents are aware that local amenities from the proposed site can only be accessed by car. This will mean at least another 200 cars - hardly green and sustainable. Another glaring inaccuracy is the claim that the development would use amenities in Startforth and Barnard Castle. All essential amenities are in Barnard Castle, a car journey away. Building a 210 house development beyond the existing settlement line in an agricultural field that can only be accessed by car is not a sustainable development and will not be welcomed by the vast majority of local residents.
51. *Highways Authority* – Advise that the A67 roadside environment post-development would remain predominantly rural and in such a context, a further westward extension of the 40mph speed limit, by a further 155m, would lack credibility and is therefore not supported. Additional demonstrations are advised with regards to the proposed visibility splays, and it is noted that as proposed they would require the loss of a large, mature tree.
52. *Drainage and Costal Protection* – Object to the proposed development. The application does not provide sufficient information to verify compliance with Council policy and national standards. Additional information required includes a drainage

strategy which should include detailed preliminary drainage layout drawings showing pipe runs, attenuation storage areas and SuDS features, preliminary landscape proposals, and preliminary hydraulic calculations including storage calculations for Greenfield run-off. Approval should be withheld until further details of the disposal of surface water from the development are submitted and approved by the Local Planning Authority in consultation with the Drainage and Coastal Protection Section.

INTERNAL CONSULTEE RESPONSES:

53. *Spatial Policy* – Advise that the scheme should be considered in the context of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The benefits identified by the applicant are not site specific and would be associated with developing housing in any location. Weighing against this is the harm which would accrue from development. This relates to the townscape, and landscape implications (AHLV) and the view that the development of the site would not be a natural extension to the settlement and the fact it would unacceptably affect the landscape character of the countryside. Walking and cycling from the site into Barnard Castle to access services and facilities is also not a realistic alternative to the private car. At the present time, the LPA contends that it can demonstrate a 5-year supply of deliverable housing sites, which means that the weight to be given to boosting the supply of housing is not as significant as it would be in instances where there is not a 5YHLS. Police advice in regards to a range of other planning matters is also provided including the provision of open space and affordable housing requirements.
54. *Landscape* – Object to the proposed development. This proposal is fundamentally problematic in landscape terms. It would form a clear incursion into attractive open countryside and would have a detrimental effect both on the immediate landscape, and also on the rural approach to Startforth and Barnard Castle, beyond. The proposal appears to be in actual or potential conflict with the following landscape related Teesdale District saved policies GD1, ENV1, ENV3, and H6. These conflicts arise from the principle of the development, not its detail, and cannot be rectified by design changes.
55. *Landscape (Arboriculture)* – Advise that site contains a group of trees that are important in terms of age, size and visual impact, and should be retained. The rough outline layout plan does appear to retain them and seems to allow adequate space around them for suitable long term retention so on that basis, no objection is raised on arboricultural grounds providing that a condition is attached to provide a suitable and acceptable final design, tree protection plan and method statement.
56. *School Places and Admissions Manager* – Advise that a development of 210 houses could produce an additional 33 primary pupils and 12 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development, there are sufficient primary and secondary school places to accommodate the development.
57. *Affordable Housing* – Advise that the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is higher demand for bungalow accommodation in comparison to neighbouring areas. This site is in an area which has a higher demand for affordable rented properties in comparison to neighbouring areas. Just under a third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. Advise on the layout of affordable units is provided and further discussions on the precise type of affordable housing provision is advised.

58. *Ecology* – Object to the proposed development. The Preliminary Ecological Assessment recommends that Bat Activity Surveys, Badger Surveys, updated Botanical Surveys, and Shadow HRA are carried out. These works have not been submitted, and without them, potential impacts upon European Protected Species cannot be assessed, and screening cannot be carried out with regards to the SAC/SPA and LWS. Additionally, there is not sufficient detail to determine whether the development would deliver net gain for biodiversity. In its current form the application cannot be determined as there is outstanding information (especially relating to legally protected species and sites) and it is not possible to determine if the application meets the biodiversity requirements of the NPPF.
59. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality would be below the national air quality objectives and no objections to the operational phase of the development are raised though the preparation of a travel plan to encourage sustainable travel and provision of electric charging vehicle infrastructure is advised. In respects to the construction phase of the development a construction management plan is advised.
60. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure additional survey work and mitigation where required.
61. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the development would be located in close proximity to potential noise sources in the form of the A67, Deerbolt YOI and Westwood Farm. The identification of traffic noise as the primary source is accepted, although a precautionary approach to mitigation comprising upgraded glazing/ventilation should be used both on properties closest to the road, and taking into account the adjacent farm. It is understood from information accompanying the application that farm is not in active use for the keeping of livestock and as result odour issues should not arise. However, it is highlighted that agricultural use could recommence on the site.
62. *Archaeology* – Object to the proposed development. It is considered that the site should be subject to a field evaluation in the form of geophysical survey, followed by trial trenching to test and confirm the results of the survey. This work should be undertaken pre-determination.
63. *Access and Rights of Way* – No public right of way is directly affected by the proposal, although public Footpath No 3, Startforth is adjacent to the northern boundary of the site. Formal connections from the site onto footpath 3, due to its topography through Deepdale Nature Reserve is not encouraged.
64. *Design and Conservation* – Advise that the proposed development site lies within the setting of numerous designated heritage assets. The impact of the development on the setting of those assets should be a primary consideration in the assessment of the application. There are no designated heritage assets within the site.
65. Development of the site would lie within the setting of the Grade II listed High West Wood with attached outbuildings and the potential non-designated heritage assets within the West Wood complex of buildings. The application is in outline form with all matters reserved except access and therefore it is difficult to fully assess the impact on the heritage assets.

66. With regard to the other identified designated heritage assets, due to the existing plan form, topography and vegetation there will be limited intervisibility between the site and those assets. Therefore, there will be no impact on their setting.
67. *Sustainable Transport* – State that whilst the majority of the site would be within 400m of a bus stop, services are infrequent and would not meet the minimum standards for development in the rural west. There is little scope for the provision of additional services. Following amendments, the submitted Travel Plan is considered acceptable.
68. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation or via condition.

EXTERNAL CONSULTEE RESPONSES:

69. *Northumbrian Water* – No objection is raised to the development. It is noted that the developer is yet to finalise the detailed drainage strategy including the proposed discharge location to the public sewerage network. Consequently, at this stage the planning application does not provide sufficient detail with regards to the management of foul water. A condition is therefore requested.
70. *Durham Constabulary* – Consideration should be given to a 40mph speed limit on the A67 in the vicinity of the development/site access point. In the absence of a detailed layout plan, full commentary of the layout and design of the development proposed is not possible. However, “rabbit runs” passing the rear of dwellings potentially making them vulnerable to criminality should be avoided whilst a good light scheme to key routes is advised. The local Startforth Park and Grangefields estates are relatively low crime/incident areas for the Police with main complaints regarding speeding vehicles on the A67 and generally not parking/neighbour disputes.

PUBLIC RESPONSES:

71. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents and businesses.
72. 93 letters of objection and 1 letter of support have been received in relation to the development as summarised below.

Objection:

Principle/Sustainability of development

- There are appropriate sustainable development sites identified within the Draft County Durham Plan which should eliminate the need to develop agricultural land
- No consideration has been given to the presence, or otherwise, of local amenities.
- There are no amenities in Startforth, with residents wholly reliant upon local services in Barnard Castle.
- Increased pressure upon services in Barnard Castle, including healthcare, education, banks and post offices.
- There are insufficient employment opportunities within Barnard Castle, meaning an inevitable increase in car use.
- The primary school in Startforth recently closed, reducing the number of spaces overall
- Schools and doctors in Barnard Castle are already overstretched
- The development would be too far from Barnard Castle to walk, and all required journeys are likely to be made by car. The path over County Bridge is narrow and

dangerous, and the topography between the site and services in Barnard Castle is not conducive to pedestrian journeys.

- Public transport provision is poor as there are only 4 buses per day to Startforth park, which only run Monday to Friday
- No requirement for additional houses in Startforth, and the County as a whole can demonstrate a 5 year housing land supply.
- Current new developments in Startforth are not selling quickly
- If approved, this development would mean that 436 new dwellings on 3 estates surrounding Startforth Park would have been approved within 4 years. Startforth has already contributed to meeting the future need for housing
- Any new recreational paths, landscaping and play spaces would be too far from the rest of Startforth

Highways

- Concerns on the impact of increased traffic on the highway network
- Concerns that the increase in traffic using County Bridge would cause serious structural damage
- The proposed access is unsafe as it is on the brow of a hill and the A67 is a high speed road
- Lack of parking spaces within Barnard Castle which would be exacerbated by this development

Residential Amenity

- Impact on residential amenity during construction
- Loss of light or overshadowing
- Loss of privacy

Visual, Landscape and Heritage Impacts

- Houses would likely be “lego” houses
- Concerns over the impact of the proposed development upon the character of Startforth, which would no longer be a village, and would simply have become a satellite of Barnard Castle. Startforth is historically a village in its own right
- The site lies within an Area of High Landscape Value, outside of the housing development area, and is a greenfield site. This development would constitute urban sprawl
- Concerns that the entry to Barnard Castle from Bowes would be marred by more ribbon development, devaluing the draw of the historic market town.
- Developing this site would mean no visual break between Deepdale Woods and Startforth Park, the mature lone trees in the field contribute to visual amenity
- Loss of trees
- Impact upon listed buildings and conservation areas
- Impact on archaeology

Ecology

- Local wildlife would be disrupted. The site is currently used as a breeding ground for Curlews, Lapwings, Skylarks and Oystercatchers, and concerns are raised over the quality and accuracy of the submitted ecology report. Other wildlife that has been seen using the site include Deer, Siskin, Nuthatch, Tree Sparrows, Greater Spotted Woodpecker and Sparrowhawk
- Concerns about the additional pressures that the development would bring to Deepdale Woods and the designated wildlife sites

Other Issues

- Contrary to the assertions of the applicant, there are no businesses within Startforth that would benefit from this development
- Application is driven only by opportunistic profit, and there would be no benefit to Startforth
- The spending ability of new residents has been over-estimated
- Concerns that the drainage system would not be able to cope
- Concerns that the developer would seek to connect to the Startforth Park private sewer, which would cause potential issues for local residents
- In an area with an ageing population, no provision for housing suitable for older persons has been made
- Concerns are raised over the business tactics of the applicant, and not like to see County Durham taken advantage of

73. *Barnard Castle Town Council* - Objects to the proposed development. The site is considered to be on the fringe of Startforth necessarily disconnected from the services it purports to be supported by. There is no provision to develop or directly support local services and infrastructure, in particular primary schooling, primary and secondary care facilities, community retail and social centres. There will be an unacceptable additional number of car journeys generated by the development. A disproportionate number of these will use the A67 north, through the centre of Barnard Castle leading to bottle-necks and delays on the County Bridge, which is a principal vehicle and pedestrian crossing point on the River Tees. There will be consequentially unacceptable and unsustainable demands placed on the road network and parking infrastructure of Barnard Castle.

74. *Campaign to Protect Rural England (CPRE)* – Objects to the proposed development. It is noted that the site is a large area of open countryside and is not allocated within the pre-submission draft of the County Durham Plan. Attention is drawn to the topography of the area, particularly Bowes Road. It is noted that there are other new residential developments on Bowes Road but these are closer to Barnard Castle, and further down the hill. Attention is also drawn to the need for pedestrians to cross a T-Junction, cross the narrow bridge, and then undertake a fairly steep climb in order to access Barnard Castle. This is considered to affect the sustainability of the site. Furthermore, it is represented that the proposed development would be a major intrusion into the countryside that is not needed, and it is highlighted that the Council can demonstrate an adequate 5-year supply of housing. Overall, it is represented that the application is contrary to Policy ENV1 of the TDLP, that it is not a proposed allocation, and is not required when the County can demonstrate a 5-year housing supply.

Support

Principle

- The national housing shortage requires that many thousands of new homes be built urgently, this application is a necessary part of addressing that need.

APPLICANTS STATEMENT:

75. Nothing received.

PLANNING CONSIDERATIONS AND ASSESSMENT

76. 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, housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage issues, open space/recreation provision, ecology, residential amenity, flooding and drainage and planning obligations. Other remaining issues are also discussed.

Principle of Development

77. 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 Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
78. The TDLP was adopted in 2002 and was intended to cover the period to 2010. 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. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
79. In terms of policies most relevant to the principle of a residential development at the site, firstly TDLP Policy ENV1 sets out that in order to protect the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, rural diversification projects, forestry, nature conservation, recreation or local infrastructure needs, or an existing countryside use where there is identified need. TDLP Policy H1 allocates a range of sites for housing development in sustainable locations, none of which include the application site. TDLP Policy H3 identifies that housing development will be permitted on sites over 0.4ha, comprising previously developed within the development limits of named settlements, including Startforth. TDLP H6 states that new housing will not be permitted in the countryside unless it can be shown to be essential to the needs of agricultural or forestry.
80. The development of the application site would conflict with TDLP Policy ENV1 and H6, representing a substantial encroachment into the countryside. Whilst TDLP Policies H1 and H3 are relevant, they are not directly applicable to this application nor does the proposal draw any support from them.

81. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies within the TDLP in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to policies ENV1 and H6 is reduced.
82. 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 proposed⁶ ; 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.
83. The footnote 6 to Paragraph 11 d) i. specifies policies relating to habitats sites (and those listed in Paragraph 176). Paragraph 177 of the NPPF advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. This is relevant in this case as discussed in more detail in the ecology section of this report. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 is not engaged.

Housing Land Supply

84. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
85. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate in excess of 5 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

86. In a recent written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
87. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
88. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,308dpa), a supply in excess of 5 years of deliverable housing can be demonstrated. Accordingly, 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.

Locational Sustainability of the Site

89. Policy GD1 of the TDLP seeks to promote that new development is carefully located to help to reduce the need for additional car journeys and that through locating land uses within easy access to each other and to the public transport network will give the opportunity to use alternative methods of transport. The policy also advocates limiting parking provision so as to encourage the use of other transport modes and giving priority to pedestrians and cyclists within developments. This encouragement of cycling is replicated in Policy T8. Similarly, TDLP Policy T7 seeks to support the content of Policy GD1 and seeks to support public transport by locating major development proposals on or close to public transport routes.
90. TDLP Policies GD1, T8 and T7 are considered generally consistent in this respect with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. It is acknowledged, however, that where Policy GD1 seeks to limit parking in development this is informed by parking standards of some age and includes reference to the displaced PPG13. The NPPF at paragraph 106 provides the more up to date national advice in this regard and essentially establishes a presumption against maximum parking standards. On the issue of parking therefore TDLP Policy GD1 is somewhat out of date. However, in the round both TDLP Policies GD1 and TR7 can still be afforded significant weight in the decision-making process.

91. Startforth is a settlement that is almost entirely devoid of meaningful levels of local services. The village has no shop, pub, and following its closure in 2016, no school. It does however have a church, community centre, children's nursery and small children's play area. The only significant employer in the village is Deerbolt HMYOI. It is also home to Teesdale Conservation Volunteers "Rotters" community composting site. As a result, residents of the village are forced to look towards Barnard Castle, located to the north of the River Tees in order to meet the majority of their everyday needs.
92. Whilst Barnard Castle is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
93. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', and The Department for Transport's 'Manual for Streets'. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
94. In this respect, the majority of services and amenities needed to sustain a development of this size are located within Barnard Castle, including larger supermarkets, health facilities and schools. Taken from the centre of the site, the submitted information establishes that there are no local services within 400m (5 minute walk) of the site, two bus stops are located within 800m (10 minute walk), with further bus stops, the community centre, nursery and children's playground within 1.2km (15 minute walk) and the church within 1.6km (20 minute walk). All other services are located to the north of River Tees, and the most southerly part of Barnard Castle town centre would be within 2km (25 minute walk) of the centre of the site, which would provide access to a number of shops, pubs, places of worship, a library, an arts centre and a supermarket. However, other services such as schools and health centres would be located even further away, and beyond reasonable walking distance.
95. Additionally, there is a significant change in topography between the application site and Barnard Castle town centre, with it being necessary to cross the River Tees. Journeys in either direction would involve a descent towards the river, and then a climb away from it. The climb towards Barnard Castle in particular is relatively steep, and whilst the gradient towards the application site is gentler, the distance is further. All pedestrian traffic would be required to cross County Bridge which although subject to a weight limit, is still heavily trafficked, as it forms the main route from Barnard Castle and lower Teesdale towards the A66. The bridge does have a footway on its western side, but this, like the bridge itself, is relatively narrow. It is considered likely that given the nature of the routes and distances to the town centre, it would discourage future residents from accessing the town centre by foot.
96. In terms of access by bus it is the 71 service which would be nearest stopping service to serve the development. The bus stop is located within Grangefields and offers a service to Barnard Castle. However, there are only 4 journeys per day between the hours of 0915 and 1550 Monday to Friday only. Additionally, there is a once daily service from Startforth Park to Teesdale School, and an additional twice daily Wednesday service. The local bus service is therefore not particularly frequent, and

the service starts relatively late in the day, and ceases relatively early. Additional bus services to Durham and Darlington are accessible from within Barnard Castle, however, to walk to these bus stops rather than connect would be far less convenient with them being located up to 2km from the site.

97. The Council's Sustainable Transport Section advise that current bus services from the vicinity of the site do not meet their minimum standard expectations in this part of the County which is an hourly service. It is also considered an unlikely commercial prospect that further services could be provided. Sustainable Transport therefore conclude that the site is not adequately accessible by public transport though it is acknowledged that walking distances to the bus stops for much of the site are within acceptable distances.
98. The site is considered relatively accessible by cycle, however, this relies on utilising the proposed vehicular access, along Bowes Rd, with no existing dedicated cycle routes or lanes serving the development.
99. It is recognised that a proportion of the site would be within, albeit on the limit of, what would be considered acceptable walking distances to services in the centre of Barnard Castle. However, taken in the round, given the limited frequency of bus services, the distance of the site from services and facilities in the town centre, and the nature of pedestrian routes proposed it is unlikely that the development would promote accessibility by a range of methods and as a result is considered contrary to Policies GD1 and T7 of the TDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.
100. It is noted that the applicant, within the application, considers that the locational sustainability of the proposed development is comparable with the approved housing site to the south of HMYOI Deerbolt. However it is considered that site is significantly closer to Barnard Castle (approx. 0.5km closer as a minimum), located towards the bottom of the river valley, and has better access to local bus services. Therefore, it is considered to not be reasonable to consider that the sites are directly comparable in this regard.

Landscape and Visual Impact

101. TDLP Policy GD1 seeks to protect and enhance the countryside of the Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, have a detrimental impact on the rural landscape of the area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside as permitted by Local Plan policies. TDLP Policy ENV3 states that development within an Area of High Landscape Value (AHLV) 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. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality and this policy is considered consistent with the NPPF.
102. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. NPPF paragraph 170 (a) stating that valued landscapes should be protected and enhanced. However, it is recognised the strategy of Policy

ENV1 of the TDLP in restricting development proposals for agricultural or other compatible uses in the countryside is only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. In line with the previous findings of a Planning Inspector, TDLP Policy ENV3 is considered to also be only partially consistent with NPPF and can therefore only be afforded moderate weight. Due to its general consistency with the NPPF, Policy GD1 can be afforded significant weight in the decision-making process.

103. The Council's Landscape Team identify that the site lies in the Pennine Dales Fringe, and can be identified as being within the Boldron & Lartington Broad Character Area, which has the Broad Landscape Type of Gritstone Vale. The local character of the site can be described as "Vale farmland: pasture". The site lies within an Area of High Landscape Value, and within the County Durham Landscape Strategy has a strategy of 'conserve and restore'.
104. The site is primarily visible from the A67, which passes the south eastern boundary of the site, and from the public footpath that passes immediately outside the northern, and part of the eastern, boundaries. It is pasture with hedges and mature hedgerow trees, as well as some large, mature trees within the site. The site slopes downwards towards the north east, following the road. This allows views north across the site towards the North Pennines in the distance. Although both the tall perimeter fence of Deerbolt YOI and the southern edge of Startforth Park housing estate are visible across the site when travelling north east on the A67, the views are significantly filtered by both topography and the mature trees within and surrounding the site. It is considered that this edge of Startforth has the clear appearance of a mature boundary between town and country.
105. Travelling south west on the A67, the landscape opens up abruptly across the site giving an attractive view across pasture to mature trees on the skyline. There is a strong sense of arriving in the countryside, emphasised by the open pasture on the opposite side of the A67.
106. The footpath beside the northern edge of the site benefits greatly from the open views across the site. It leaves Startforth Park between the field hedge and the rear gardens of two dwellings, and then turns to run between the hedge at the northern edge of the site and the Deerbolt perimeter fence, which forms a complete visual screen to the north. The hedge round the site is sufficiently unmanaged to permit views through it and across the site.
107. The Council's Landscape Team identify that the effect of the proposal would be transformative on the landscape of the site and on this edge of Startforth, and would be a clear intrusion into attractive open countryside.
108. Overall, having regard to the advice of the Council's Landscape Officer, the development would represent a significant encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features in conflict with Policies GD1, ENV1, ENV3 of the TDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing a significant adverse impact that needs to be taken into account in the planning balance.

Layout and Design

109. TDLP Policies GD1 and H12 require development to be designed and built to a high standard and should contribute to the quality and built environment of the surrounding

area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their consistency with the NPPF, significant weight should be afforded to TDLP Policies GD1 and H12 in this respect.

110. The NPPF at paragraph 129 also encourages the use of assessment frameworks based on Building for Life 12 (BfL12). In this respect the application has been considered by the Councils Design Review Workshop which, utilising BfL12 as an assessment framework, scored the site poorly, particularly with regards to landscape impact and connectivity, but also with regards to character and layout.
111. These concerns are replicated in separate comments from the Councils Design and Conservation Officer, who advises that the supporting information bases any proposed character around street hierarchy rather than built development and sense of place. Whilst reference has been made to numerous built forms and materials, on the basis of local reference points, some of these reference points are simply modern standard housetypes with no particularly local character.
112. However, it is acknowledged that the application is in outline with all detailed matters reserved except access. Therefore there is opportunity at the reserved matters stage to further assess the layout and design of the development. In principle it is considered likely at the reserved matters stage the quantum of development could be provided with a form of layout, design etc which would meet acceptable standards.
113. The site contains a veteran tree located on its western fringe and such trees are afforded particular protection within the NPPF. The application proposes that the tree remain in an area of retained landscape buffer and should be achievable at the reserved matters stage. The ancient woodland at Deepdale Wood should remain unaffected having regards to TDLP Policy ENV9 (partially consistent with the NPPF). Public right of way Footpath No 3, Startforth would not be directly affected by the development and therefore in compliance with TDLP Policy TR10 (NPPF consistent).
114. Overall, based on the submitted information, it is considered that whilst acknowledging there are deficiencies in the indicative layout and design submissions under the application, it outline in nature of the application and controls should exist at the reserved matters stage in order to achieve a development of acceptable quality having regards to policies GD1 and H12 of the TDLP and Part 12 of the NPPF.

Highway Safety and Access

115. TDLP Policy GD1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network and this advice is considered to be consistent with the advice of the NPPF. Policy GD1 and T2 both advise in regards to parking and seek to limit parking as far as practicable. As previously explained, advice in regards to parking within the TDLP is now considered to be somewhat out of date and weight to the advice on parking within policies GD1 and T2 should be reduced as a result. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.

116. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network. In reviewing the proposals, the Highway Authority advise that the submitted TA requires further work with regards to traffic modelling, and as a result the full impacts of the development cannot currently be assessed. Whilst discussions have taken place with the applicant's transport consultant, a revised assessment has not been forthcoming.
117. In terms of the proposed vehicular access, the Highways Authority raise concerns regarding the specification of the proposed visibility splays, and the possibility of mature trees in the existing hedgerow having to be removed to facilitate an acceptable access is highlighted.
118. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a satisfactory means of access could be created, and to demonstrate that the development would have an acceptable impact on the wider highway network. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policy GD1 in this respect and paragraphs 108 and 109 of the NPPF.

Heritage Issues

119. Barnard Castle Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. High Westwood, a Grade II listed building is located approximately 125m to the south east of the site. Further Grade II listed buildings such as Startforth Hall, Low Startforth Hall, Startforth House, Startforth Lodge and Holy Trinity Church are located within the local area, but are no closer than 500m to the application site.
120. However, it is advised by the Councils Design and Conservation Section that there is limited intervisibility between the proposed development site and most of the identified designated heritage assets and therefore there would not be impacts upon their significance. Design and Conservation do state that it is difficult to fully assess the impact of the proposed development upon High West Wood (Grade II listed), and associated non-designated heritage assets. Design and Conservation state that this is due to the outline nature of the planning application and thereby an absence of full details of the scheme. The submitted heritage desk-based assessment concludes that the application site does not contribute towards the heritage significance of the High West Wood complex, and therefore the proposed development, would equally not have any impact upon the significance of the assets in question.
121. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker. In many instances an application for outline planning permission without the benefit of full and precise details of the development can be an inappropriate application route where impacts upon heritage assets are apparent.
122. However, on balance officers agree with the applicant's submissions that harm to heritage assets at High West Wood is not likely to occur. Intervisibility between the listed buildings and the development would be limited partly by the grouping at Westwood farm. Areas of final landscaping and open space likely necessary to ensure an acceptable layout at the reserved matters stage would further aid in screening. The

setting of the High West Wood assets is not considered particularly extensive. Overall officers conclude having regards to the heritage significance of the assets, the distances and intervisibility involved that harm High West Wood would not occur.

123. Paragraph 193 of NPPF states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
124. The NPPF also advises that where a development would have substantial harm upon designated heritage assets, that planning permission should be refused, unless the loss would be outweighed by public benefits, and in other specific circumstances. Where a development would have a less than substantial impact upon the significance of designated heritage assets, such harm should be weighed against the public benefits of the proposal.
125. TDLP Policy BENV3 states that where a development would adversely affect the setting of a listed building, permission should be refused. As this policy is more restrictive than the process set out in NPPF, it is considered that more limited weight can be afforded it.
126. As it is considered that in this instance there would be no harm to the significance of High Westwood the proposal is considered compliant with TDLP Policy BENV3 and the NPPF advice in this regard.
127. In relation to Archaeology, Policy BENV11 seeks to conserve the historic heritage of the District by the maintenance, protection and enhancement of areas of particular archaeological interest. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. TDLP Policy GD1 has a criteria-based requirement that is reflective of Policy BENV11. Policies GD1 and BENV11 should be afforded full weight in this respect.
128. The applicant has not submitted any field evaluation in relation to the archaeological value of the application site. Footnote 63 of the NPPF sets out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. In general terms, this would equate to archaeological findings of national significance and could include a requirement to retain in situ or protect the setting of such assets. This could affect the quantum of development that could be accommodated on site in this respect. On balance, it is considered that there is a relatively small risk that the potential archaeological features would be of national / high regional significance, however, a precautionary approach must be taken at this stage and it is, therefore, assumed that the potential archaeological interests of the site are significant. The information is also insufficient to enable the LPA to assess compliance with relevant policy.
129. With no field evaluation having been undertaken, the application fails to fully describe the significance of the archaeological interest of the site thereby in conflict with TDLP Policy BENV11 and NPPF paragraph 189. Having regard to Paragraph 194 the NPPF and its associated footnote, should the archaeological interest on the site be of the highest significance then this engages specific tests applicable to designated heritage assets within the NPPF against which the application would need to be assessed.

Open Space/ Recreation Provision

130. Policy GD1 of the TVDLP sets out that adequate open space should be incorporated within the design and layout of the site. This is detailed further in TDLP Policy H1A, which sets out targets for informal play and amenity space, or as an alternative, developers are expected to make a contribution to the provision of such facilities on developments of more than 10 dwellings. NPPF paragraph 96 highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
131. The targets referred to in Policy H1A and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policies GD1 and H1A is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
132. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 210 houses the OSNA advises that amenity/natural green space and childrens playspace should be provided on site and the quantity requirements would be 6,930m² and 231m² respectively. The OSNA advises that for a development of the scale proposed that a financial contribution towards remaining open space typology improvements off site would ordinarily be appropriate. An off-site financial contribution towards these remaining open spaces would require securing via a S106 legal agreement and the necessary amount would be £310,926.
133. Overall, through control which can be exercised at the reserved matters stage and off-site contributions which can be obtained via a S106 legal agreement in the event of an approval adequate open space provision and improvements should be deliverable in accordance with advice within TDLP policies GD1 and H1A and paragraphs 96 and 127 of the NPPF.

Ecology

134. TDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV5 seeks to protect nationally and internally designated ecological sites, Policy ENV6 seeks to protect SSSIs and national nature reserves and ENV7 seeks to protect locally designated ecological sites. Finally, Policy ENV8 seeks to protect species protected by law and including their habitats. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
135. A Preliminary Ecological Appraisal has been submitted in support of the application. The report identifies that the site is within 10km of three internationally designated wildlife sites, lies within 1km of a Deepdale Woods LWS, and furthermore that the site itself contains hedgerows, mature and veteran trees. The submitted information recommends that further bat activity surveys, badger surveys and botanical surveys are carried out. In addition, it is recommended that consultation is undertaken with regards to the North Pennine Moors SAC/SPA and the LWS, and that a shadow HRA

report is produced in order to fully understand impacts upon the European protected sites.

136. The Councils Ecology Section advise, in line with the submitted report, that the additional ecological surveys should be undertaken in advance of any approval of the application, in order to assess impacts and secure appropriate mitigation if required. The additional survey work deemed necessary includes that in respects to European Protected Species upon which the LPA has a duty to assess the likelihood of an EPS license (if one was found necessary) being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
137. With regards to the ecological sites, in order to determine whether planning proposals are likely to harm a European Protected Site(s) or not, an assessment of their effects is required. This is known as Habitats Regulations Assessment (HRA). Whilst it is the responsibility of the Council, as the competent authority, to undertake the HRA, those proposing or submitting planning applications will need to provide the Council with sufficient information and evidence to enable proper assessment to be undertaken.
138. If following HRA, taking mitigating measures into account, it is established that harm is likely to occur, or if there is uncertainty over the effects of a planning proposal, the Council will be required to proceed on a precautionary basis and not grant consent. The Council would only be able to grant consent under these circumstances if three additional, sequential tests (known as derogations) are met. These tests must be interpreted strictly and include; that no feasible less damaging alternative solutions to the proposal exist; imperative reasons of overriding public interest can be demonstrated; and compensatory measures can be secured. The precautionary approach to the HRA process means that a significant effect on the European Site should be considered likely if it cannot be completely excluded on the basis of the available information. The absence of information is not a basis to assume no negative effect. In this instance HRA related submissions in respects to the development are considered inadequate, proper and fully informed assessment of potential effects upon the SPA and SAC cannot be determined and as a result a significant effect on those sites cannot be discounted.
139. It is further considered that there is not sufficient detail within the submitted indicative masterplan to determine if the application will deliver a net gain for biodiversity, without details of the public open space being provided. Changes to the proposed layout could include the use of retained trees to provide a framework for green corridors, and an increase in the amount of semi-natural public open space.
140. Overall, objection must be raised due to the aforementioned lack of survey work, inadequate submissions in respects to the HRA process and absence of consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to demonstrate that the proposals would protect relevant species and sites and thereby comply with TDLP Policies GD1, ENV5, ENV7 and ENV8 and Part 15 (paragraphs 170 and 177) of the NPPF in this respect and also to enable the Council to discharge its obligations under the Conservation of Habitats and Species Regulations 2017.
141. NPPF paragraph 177 states that the presumption in favour of sustainable development does not apply where a development proposal is likely to have a significant effect on a habitats site (which includes the SAC and SPA relevant here), unless an appropriate assessment has concluded that it would not adversely affect the integrity of the habitats site. The precautionary approach to the HRA process means that a significant effect on the European Site should be considered likely if it cannot be completely

excluded on the basis of the available information. It is therefore considered that the presumption in favour of sustainable development is not engaged as a result.

Residential Amenity

142. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. TDLP Policy GD1 states that new development should be compatible with surrounding existing land uses and should seek to deter crime and increase personal safety. The policy also advises in regards to a range of pollutions and public health. This policy is considered to be consistent with NPPF in this regard and can be afforded full weight in the decision making process.
143. The submitted masterplan demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved, which would prevent any loss of amenity/overlooking in this respect. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage, particularly having regard to the above discussion on open space that the required levels of such space have not been indicated on the layout.
144. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It concludes that the acoustic environment is such that there could be potential noise generated from both HMYOI Deerbolt and also from Bowes Road. In reviewing this matter, the Environmental Health and Consumer Protection (Pollution) Officers consider that although noise events may occur from time to time at HMYOI Deerbolt, these events should not be regular, or of a long duration, and therefore are not likely to have a significant impact upon residential amenity. With regards to road noise, the proposed mitigation measures of acoustic glazing to properties closest to the road is considered acceptable. The submitted noise information did not record any noise activity at the farm.
145. The applicant has stated that the farm is not in active use as an agricultural business with no livestock kept on site. On this basis, issues of noise and odour from the site should not a present an issue. However, it should be highlighted that the farm could return to being operational with the risk that associated noise and odour could occur.
146. Given the circumstances, however, it is considered that any impacts from the farm would not be so demonstrably significant to warrant refusal of the application. The control on final layout at the reserved matters stage and conditions relating to final adoption of noise mitigation measures would provide a means to mitigate potential future impacts.
147. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
148. In relation to land contamination, the applicant has submitted a desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted desk top

study is acceptable and recommends a conditional approach to further land contamination investigations including site sampling.

149. The Environmental Health and Consumer Protection (Air Quality) Officers advise the site is not in close proximity of any Air Quality Management Areas. However, an Air Quality Assessment has been submitted, assessing the impact of the development. It concludes that the modelled levels of air quality are below the national air quality objectives and, therefore, no objections to the application are made. The Environmental Health and Consumer Protection (Air Quality) Officer agrees with the conclusions of the report and raises no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition whilst travel plan/sustainable transport initiatives are advised in respects to the operational phase.
150. Overall no objections which would warrant refusal of the application on grounds relating to residential amenity issues with the development considered compliant TDLP Policy GD1 and Parts 12 and 15 of the NPPF.

Flooding and Drainage

151. 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. TDLP Policy ENV15 also advises on development and flood risk and whilst the general thrust of the policy is consistent with the advice in the NPPF it is somewhat out of date in its references to now superseded national advice.
152. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SuDS) including a detention basin to attenuate surface water before discharging to a water course at a rate attenuated to existing greenfield run-off rates. The use of SuDS in major development is a requirement in the NPPF (unless there are exceptional circumstances), is encouraged within TDLP Policy ENV15 whilst the need to maintain water quality is the objective of TDLP Policy ENV14 (NPPF consistent) and is a benefit of a fully developed SUDS scheme.
153. The Councils Drainage and Coastal Protection officers advise that whilst the FRA is relatively comprehensive, insufficient detail with regards to the proposed surface water management strategy has been provided.
154. In considering this matter, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to include SuDS features, recognising that a final detailed design may impact on the quantum of development achievable.
155. In relation to foul water, the information submitted with the application states that it is not yet confirmed how foul water disposal would be addressed. With regards to this, Northumbrian Water consider that insufficient information has been submitted, and have recommended a conditional approach. Local residents advise that foul water infrastructure at Startforth Park is not adopted, and it is unclear whether the applicant would be able to achieve a suitable connection.

156. TDLP Policies GD1 and ENV17 state that new developments should provide adequate surface and foul water drainage. These policies are considered to be largely consistent with Part 14 of the NPPF and can be afforded significant weight.
157. Further discussions have been held with Northumbrian Water who have stated that the applicant has submitted a pre-development enquiry direct to them. Northumbrian Water have stated that public foul sewers do exist in the local area to which a connection could potentially be made. In the circumstances whilst the application fails to demonstrate a foul drainage strategy and to this end is not demonstrating clear compliance with relevant TDLP Policies ENV17 and GD1, it would appear that a mains foul water connection is achievable. Having regards to this and the Northumbrian Water recommendation that a condition could be applied to any planning permission, a specific refusal reason in regard to foul drainage is not recommended.

Planning Obligations

158. Policy H14 of the TDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with paragraph 62 of the NPPF which sets out that where a need has been established, an appropriate level of affordable housing should be provided. The council's Strategic Housing Market Assessment is the most up to date evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).
159. The site falls within a high viability area, this means that 20% of properties on the scheme would need to be affordable, this equates to 42 units if the site delivered 210 units. There is a requirement to provide 10% of the private and intermediate properties for older people through either the provision of bungalows or suitably adapted dwellings. The applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
160. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. The School Places and Admissions Manager advises that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient primary and secondary school places to accommodate the development.
161. Although the NHS have been consulted with regards to this application, no response has been received, and as a result it is not possible to accurately assess the impact that the development would have upon local medical practices, however it would appear that practices within Barnard Castle are currently accepting patients, suggesting that they are not presently at full capacity. Accordingly, it is considered that it would not be reasonable to seek to impose a financial contribution upon the applicant in this regard.
162. Discussion on the off-site open space contribution requirements is also held earlier in this report.

Other Issues

163. NPPF Paragraphs 170 and 171 advice on the economic and other benefits of the best and most versatile agricultural land and where significant development of best and versatile agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. TDLP Policy ENV12 also seeks to protect best and most versatile land and is considered consistent with the NPPF. A site-specific investigation into the land classification has been submitted identifying that that the site does not contain best and most versatile agricultural land (grade 3b).
164. The application site lies in close proximity to, but not within an area of Ancient Woodland. TDLP Policy ENV9 states that permission should be refused where it would damage ancient woodland. In this instance the development would be unlikely to cause direct damage to the Ancient Woodland, although recreational pressures would likely increase as a result of the development. On balance, and having regards to the specific wording of TDLP Policy ENV9, officers consider that the level of harm would not be likely to be sufficient to warrant the refusal of the application on this basis.

CONCLUSION

165. The development would result in development beyond the established settlement boundaries of Startforth, negatively impacting on the character and appearance of the countryside and a designated Area of High Landscape Value, in conflict with policies GD1, ENV1, ENV3 and H6 of the TDLP and Paragraphs 127 and 170 of the NPPF.
166. The development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T7 of the of the TDLP and Paragraphs 103 and 110 of the NPPF. Based on the submitted information the development is considered to represent poor design contrary to TDLP Policies GD1 and H12 and having regards to advice at Paragraphs 127 and 129 of the NPPF.
167. Insufficient information has been submitted to establish whether the development could achieve a suitable means of access and would have an acceptable impact on the wider highway network, contrary to TDLP Policy GD1 and paragraphs 108 and 109 of the NPPF.
168. It is considered that the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in significant adverse effects upon habitats sites, Local Wildlife Site or upon the biodiversity of the site including protected species. As a result, the development is considered contrary to TDLP Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the NPPF.
169. The application includes insufficient assessment and evaluation of the significance of the archaeological interest of the site in conflict with Policy BENV11 of the TDLP and paragraph 189 of the NPPF.
170. As a significant effect on a habitats site cannot be excluded and in accordance with NPPF paragraph 177 this has the effect of disengaging the presumption in favour of sustainable development at paragraph 11 of the NPPF. As a result, the application should be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. Clear conflict with the Development Plan

has been identified together with conflict with the NPPF as a key material planning consideration.

171. It is acknowledged that some benefits would emerge from the development, summarised below;
- The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 5 years of deliverable housing land supply. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
 - Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area, albeit primarily in Barnard Castle, as opposed to Startforth.
 - The development would provide an increased range of house types including 20% affordable housing units which would meet an identified short fall within the County.
172. However, overall on balance, these benefits would not outweigh the aforementioned conflicts with the TDLP and elements of the NPPF.
173. The proposal has generated some public interest, with a number of letters of objection, as well as a single letter of support having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the development would represent a significant encroachment into the countryside, which would not be sensitively related to the existing settlement pattern and would result in a detrimental impact upon an Area of High Landscape Value landscape which would not respect the existing landscape setting in conflict with Policies GD1, H6, ENV1 and ENV3 of the Teesdale District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T7 of the of the Teesdale District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
3. The Local Planning Authority considers that the application includes insufficient assessment and evaluation of the significance of the archaeological interest of the site in conflict with Policy BENV11 of the Teesdale District Local Plan and paragraph 189 of the National Planning Policy Framework.
4. The Local Planning Authority considers that the application contains insufficient submission and assessment to demonstrate that the development would have an acceptable impact on the wider highway network. The application also does not demonstrate that a safe and satisfactory means of access to serve the development can be achieved. The development is therefore considered contrary to policy GD1 of

the Teesdale District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.

5. The Local Planning Authority considers that the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in significant adverse effects upon the North Pennine Moors Special Area of Conservation and Special Protection Area. Furthermore, the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in unacceptably harmful impacts upon Deepdale Wood Local Wildlife Site or upon the biodiversity of the site including protected species. As a result, the development is considered contrary to Teesdale District Local Plan Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

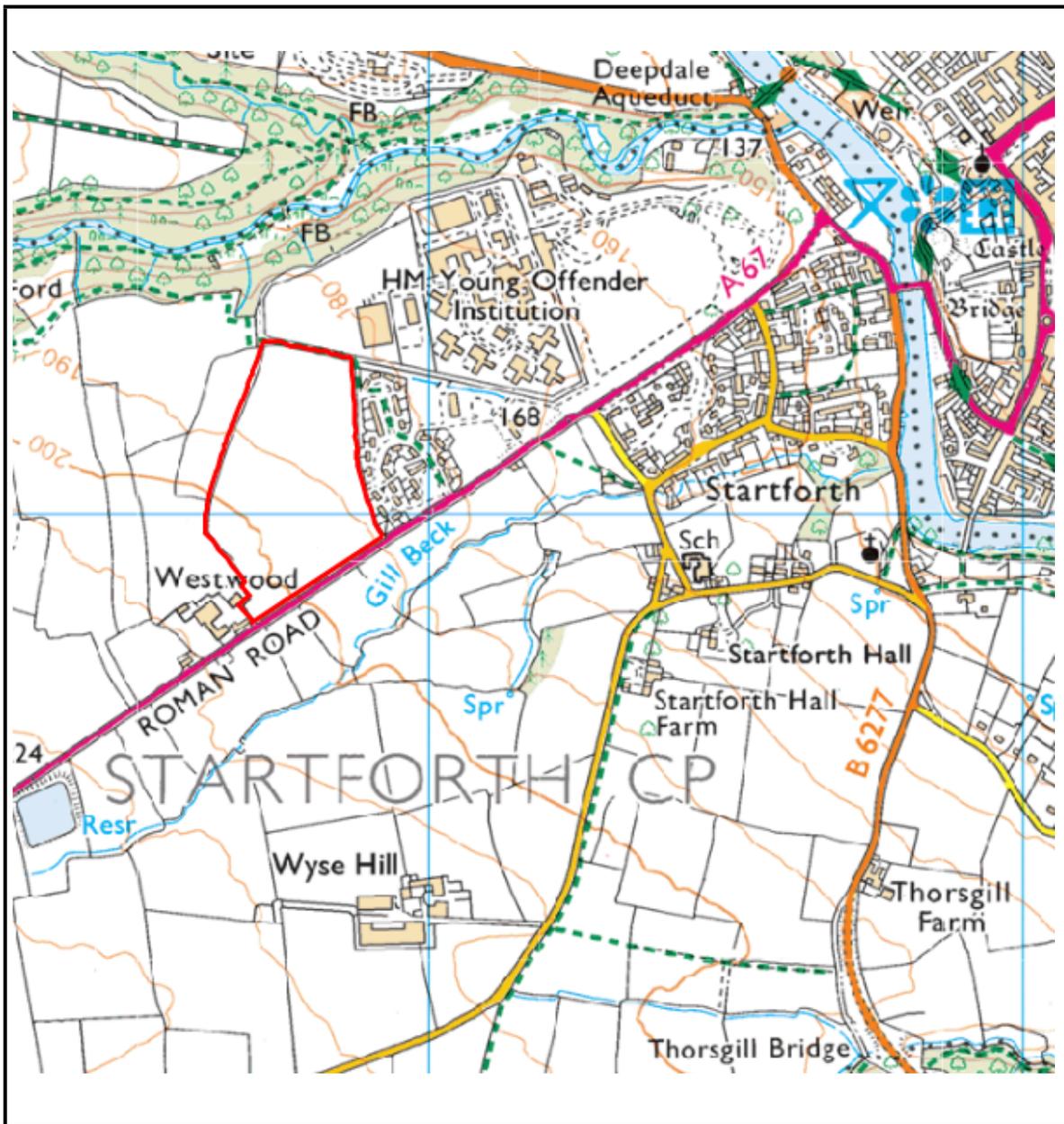
Teesdale District Local Plan

The County Durham Plan (Pre Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



Planning Services

DM/19/01060/OUT

Outline planning application (all matters reserved other than access) for the erection of up to 210 dwellings and associated infrastructure.

Gladman

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Comments

Date 2 July 2019

Scale Not to scale