

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

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

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

The Proposal and Background

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

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

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

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

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

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

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

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

LOCAL PLAN POLICY:

The County Durham Plan

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

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

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

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

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

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

EMERGING PLAN:

Gainford and Langton Neighbourhood Plan (GLNP)

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

EXTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

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

Objection

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

Principle of development

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

Access/Highways

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

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

Heritage and visual impact

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

Residential Amenity

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

Other issues

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

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

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

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

Support

75. One letter of support has been received outlining;

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

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

Neutral

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

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

APPLICANTS STATEMENT:

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

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

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

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

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

Enabling Development

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

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

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

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

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

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

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

Housing Land Supply

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

Locational Sustainability of the Site

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

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

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

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

Highway Safety and Access

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

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

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

Landscape and Visual Impact

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

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

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

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

Layout and Design

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

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

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

Heritage and Archaeology

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

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

Ecology

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

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

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

Flooding and Drainage

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

Infrastructure and Open Space Provision

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

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

Affordable and Accessible/Adapted Housing

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

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

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

Contamination and Land Stability

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

Other Considerations

172. Policy 29 of the CDP sets out that major new build residential development should achieve CO₂ reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval.
173. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy.

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

174. The site lies partially within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of fluvial sand and forms part of a more extensive deposit/area of deposits along the River Tees. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Gainford and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. Furthermore, there is an overriding need for this development to take place as it will enable the repair of the Grade I listed Gainford Hall and Grade II* Dovecote as well funding a number of heritage works proposed at RCPG. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.
175. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would secure the following all of which are considered to meet the required tests;
- The urgent repair works to Gainford Hall and the Dovecote, the timescales for doing so, in addition to the management and maintenance regime for the hall and its marketing strategy;
 - Heritage works to RCPG prior to the occupation of a specified number of plots;
 - The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance of the biodiversity land;
 - An off-site public open space contribution;
 - Dedication of a new recorded footpath;
 - The delivery of 5% affordable housing, extending to the delivery of 3no. 2-bedroom houses and 1no. 3-bedroom house for discount market sale;
176. The proposal has generated some public interest, with thirty-five letters of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.
177. Applicants are encouraged, albeit not obliged in this case, to engage with the local community prior to the submission of their development proposals. Whilst some residents are concerned with the way this was conducted, it is not a factor against the development. It is also noted that the application was submitted at the height of the

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

Consideration of Application Against the Development Plan and other material considerations

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

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

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

CONCLUSION

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

197. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed obligations and contributions are considered to be in accordance with these tests.
198. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
199. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

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

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

And subject to the following conditions:

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

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

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

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

Drg. no. HGN_001 Rev. P05 Site Access Arrangements received 21/09/2020
Drg. no. 1277-GA03 Rev. G Landscape Masterplan received 21/08/2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. No development, other than demolition and site remediation works, shall commence until full engineering details of the site access in accordance with drg. no. HGN_001 Rev. P05 (Site Access Arrangements) have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details prior to the first occupation of the dwellings.

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

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

8. No development, other than demolition and site remediation works, shall commence until a scheme to achieve CO₂ emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

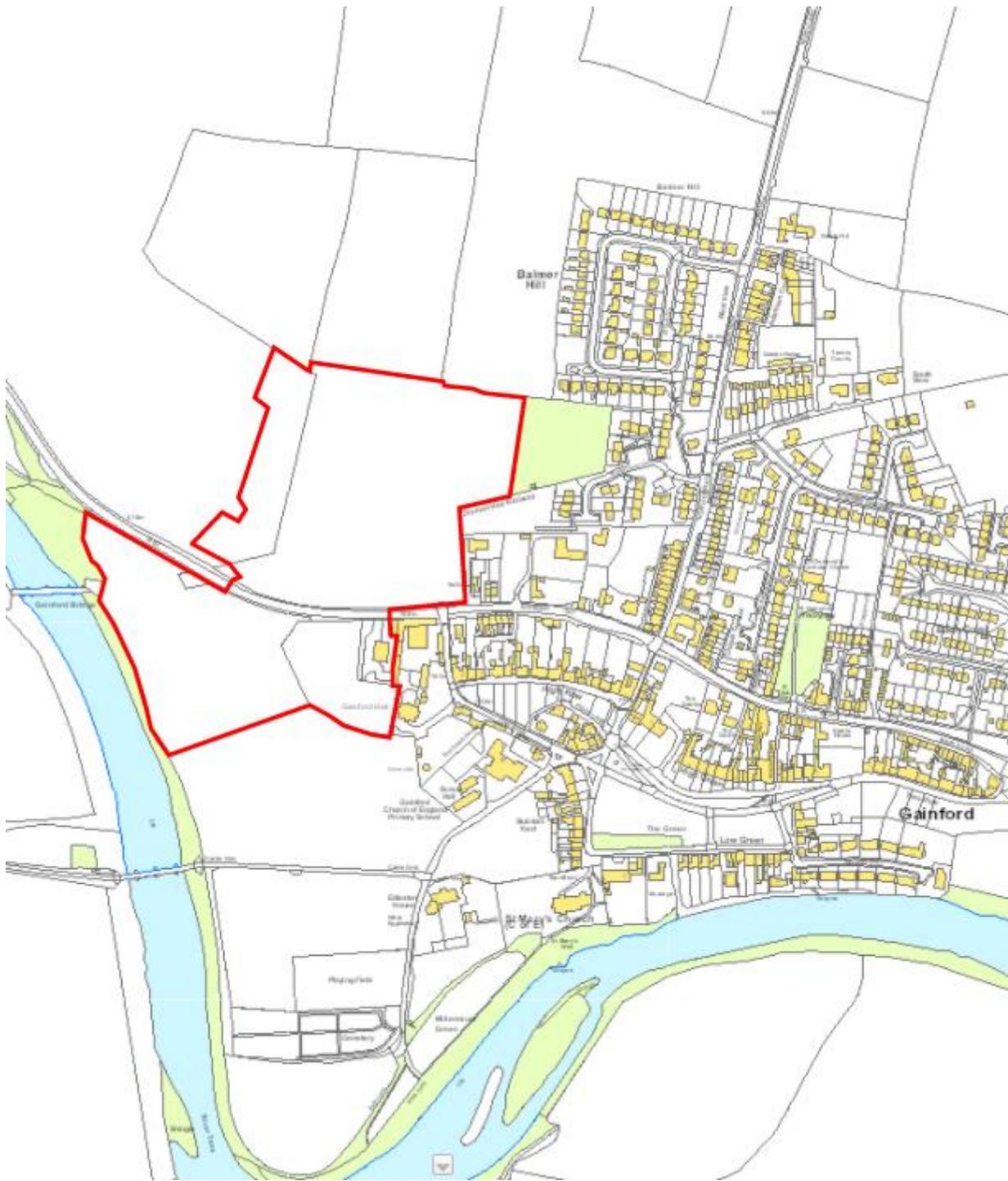
Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

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

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Comments

Date 1st December 2020

Scale Not to Scale