

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

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

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

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

## The Proposal and Background

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

---

## **PLANNING HISTORY**

---

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

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

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

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

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

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

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

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

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

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

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

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

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

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

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

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

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

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

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

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

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

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

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

#### **PUBLIC RESPONSES:**

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

#### **Objection**

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

## Principle of development

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

## Access/Highways

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

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

#### Landscape Impact, Layout and Design

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

#### Other issues/comments

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

- Reduction in property value.
- Loss of view.

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

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

#### Support

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

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

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

#### **APPLICANTS STATEMENT:**

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

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

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

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

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

The Principle of the Development

*The Development Plan*

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

#### *Enabling Development*

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

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

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

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

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

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

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

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

### *Housing Land Supply*

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

### *Locational Sustainability of the Site*

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

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

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

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

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

#### Highway Safety and Access

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

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

#### Landscape and Visual Impact

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

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

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

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

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

## Layout and Design

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

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

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

#### Heritage and Archaeology

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

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

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

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

## Ecology

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

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

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

#### Flooding and Drainage

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

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

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

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

## Infrastructure and Open Space Provision

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

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

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

#### Affordable and Accessible/Adapted Housing

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

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

#### Contamination and Land Stability

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

#### Other Considerations

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

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

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

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

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

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

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

---

## **CONCLUSION**

---

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

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

---

## **RECOMMENDATION**

---

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

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

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

And subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. No dwelling shall be occupied until a detailed specification for the new footpaths, as shown on drg. no. L-101 Rev C (footpath plan) and improvements to infrastructure on Footpath no. 23 (Staindrop), have been submitted to and approved in writing by the Local Planning Authority.

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

22. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

23. The sound attenuation measures detailed in the Noise Assessment RE/GN/NA/10/19, dated 5 May 2020 by QEM Environmental Consultants shall be completed prior to the occupation of the development and permanently retained thereafter.

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

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

- Flood Risk Assessment and Surface Water Drainage Strategy report no. 001 (Issue 5) Wardell Armstrong dated May 2020

- Drainage Strategy - Ref: NT14337-02-001 Rev J
- Technical Note, Staindrop – Outline Method Statement, Ref: NT14337/TN003 Issue 1 dated 20 July 2020
- Staindrop Microdrainage File dated 13/08/2020
- Drg. no. NT14337-02-002 Rev. E Proposed Centreline and Finished Floor Levels Sheet 1 of 2
- Drg. no. NT14337-02-003 Rev. E Proposed Centreline and Finished Floor Levels Sheet 2
- Appendix 1 – Ref: Drives Water Quality – NT14337
- Appendix 1 – Ref: Roads Water Quality – NT14337

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

25. The development shall be carried out in accordance with the recommendations outlined within Section H of the Ecological Appraisal Rev. R06 dated April 2020 and Section H of the Bat Survey Rev. R04 dated November 2020 by E3 Ecology Ltd.

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

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

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

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

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

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

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

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

28. 48no. properties shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

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

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

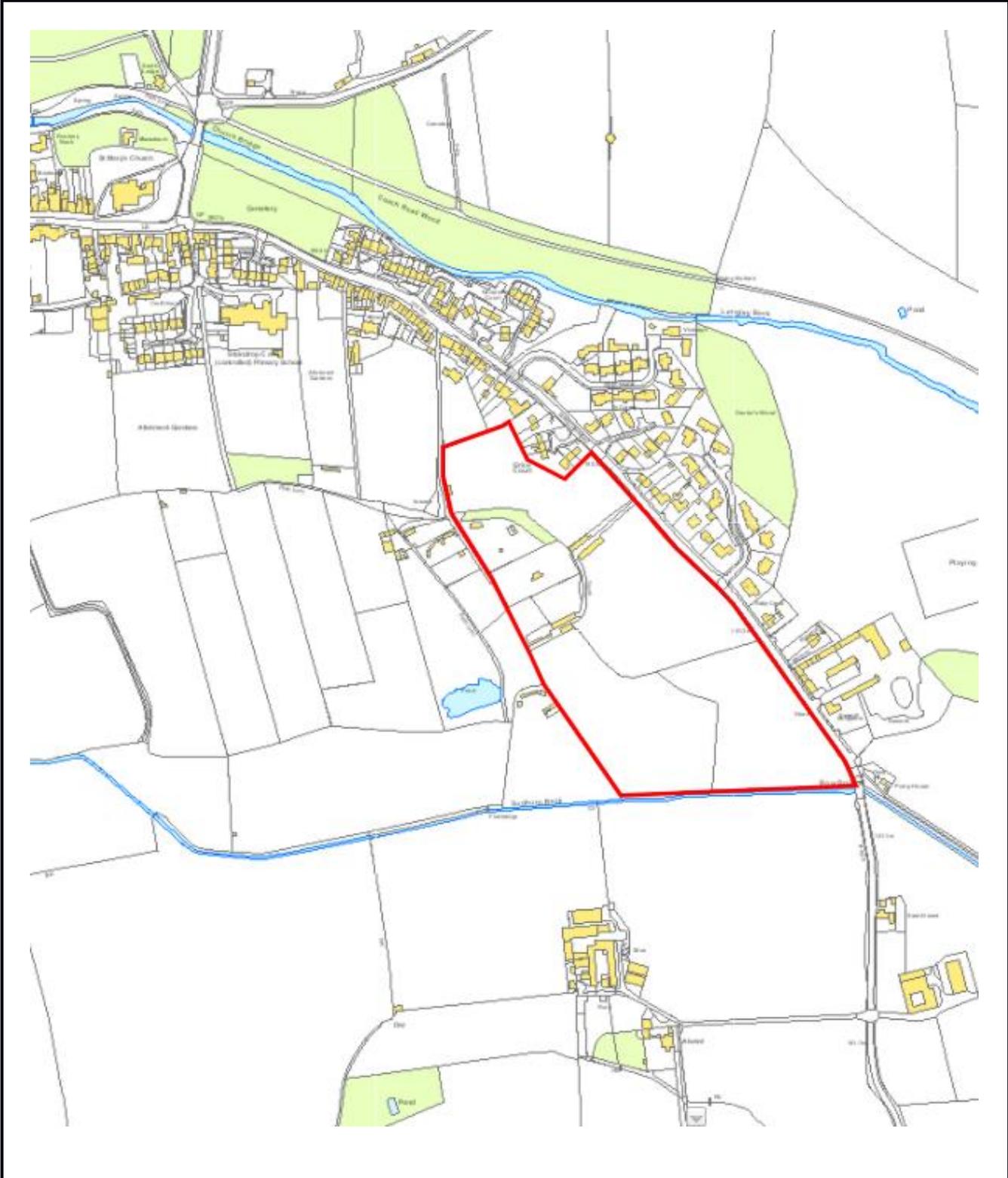
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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)



**Planning Services**

The erection of 72 residential dwellings (Use Class C3) associated infrastructure and landscaping and demolition of on-site buildings and structures  
 Land To The West Of Grice Court, Staindrop  
 Ref: DM/20/01185/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
 Durham County Council Licence No. 100022202 2005

**Comments**

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

**Scale** Not to Scale