



COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

The Proposal

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

PLANNING HISTORY

12. None relevant.

PLANNING POLICY

NATIONAL POLICY

13. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

14. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
17. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
18. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
21. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape

places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

23. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
24. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan

26. *Policy 6 Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
27. *Policy 10 Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

28. *Policy 14 Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Soil on previously undeveloped land should be properly managed.
29. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities states that 66% of dwellings on sites if 5 dwellings or more must be built to Building Regulations M4(2) (accessible and adoptable dwellings) standard.
30. *Policy 19 Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
31. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
32. *Policy 25 Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *Policy 26 Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
35. *Policy 31 Amenity and Pollution* states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
36. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

37. *Policy 35 Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
40. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
41. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
42. *Policy 43 Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

INTERNAL CONSULTEE RESPONSES:

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

63. *Landscape and Arboriculture* officers consider that the housing layout would appear to have capacity to accommodate a fully integrated Landscape Scheme as set outlined in the LVIA. There are no objections subject to the recommendations in the landscape assessment being conditioned together with a final Arboricultural Method Statement and Tree Protection Plan.
64. *Education* officers conclude that based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
65. *Spatial Policy* conclude that the site is not allocated for housing under Policy 4 of the CDP. The proposal should be therefore be assessed against Policy 6 of the County Durham Plan which now comprises the development plan. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters.

EXTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

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

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

73. Too many houses

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

74. There is a lack of infrastructure

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

75. Loss of character

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

76. Loss of Wildlife

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

77. Residential Amenity

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

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

78. The main reasons for support are as follows:

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

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

APPLICANT'S STATEMENT:

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

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

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

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the Development

89. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.
90. The NPPF is a material planning consideration. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting

permission unless i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or, ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

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

93. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character and is in an acceptable distance to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
94. As the application site is located outside of the built-up area of Barnard Castle it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan. The proposed development is considered to be one of these forms of development as it is allowed for by policy 6.

Addressing Housing Need

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

SHLAA

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

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

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

Five-year housing land supply

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

Highways and Sustainability

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

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

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

Landscape

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

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

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

Drainage

122. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Policy 35 of the CDP states that all new development should adopt the hierarchy of preference in relation to surface water disposal, whilst CDP Policy 36 states that all new development should adopt the hierarchy of preference in relation to disposal of foul water.

123. The application is accompanied by a Flood Risk Assessment and Drainage Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a detention basin to treat and attenuate surface water runoff. Subject to securing the finer detail of this approach if a reserved matters application was to come forward Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk.
124. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so that they can fully assess their capacity to treat the flows from the development.
125. In terms of compliance with Policy 6 the following criteria would need to be met, that the proposal:
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
126. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to CDP policies 6, 35 and 36 or Part 14 of the NPPF.

Design and layout of the development

127. This application seeks outline planning permission for a residential development of up to 100 units. The appearance, scale and layout of the development are reserved matters which would be assessed in detail should it progress to that stage. However, the applicant has submitted indicative drawings showing the proposed layout of the development.
128. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation. The SPD is an adopted document and, therefore, weight can be attributed to it in the decision-making process. In addition to this, policy 29 of the CDP states that major new residential development will be required to; when assessed against the Building for Life Supplementary Planning Document, secure as many greens as possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
129. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development would be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. During the application process the scheme has been considered against the BfL standard through a series of questions and resulted in all of the scores being green or amber. On this basis and having secured amendments during the process, design review established that the scheme was of good quality and would meet the requirements of the Supplementary Planning Document and policy 29.

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

136. In terms of compliance with CDP policy 6 the it should be ensured that the development:
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
137. Overall, it is considered that the indicative proposals are acceptable in terms of appearance, layout, scale and landscaping and would result in a good quality development with no adverse impacts on existing occupiers. The proposals are considered to be in accordance with the relevant National and Local Plan policies along with the adopted Supplementary Planning Document, policies 6 and 29 of the CDP and part 12 of the NPPF.

Ecology

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

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

140. The development is considered to accord with the aims of policies 41 and 43 of the CDP and paragraph 175 of the NPPF.

S106 Contributions

141. The aforementioned Section 39 agreement would form a part of a necessary S106 legal agreement to secure planning obligations. Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. Although open space is provided on site, there will also be a requirement for a contribution toward existing facilities in the Electoral Division of £157,410.

142. As part of the consultation process the NHS have been consulted. As a result of the proposed development they have requested a contribution of £45,360 which would mitigate any impact on services at the local surgery.

143. As noted above Traffic Assets officers have requested funding for a 'Gateway' type traffic scheme (signs/lines etc) to encourage reduced A67 traffic speeds inbound to the settlement, in the vicinity of the new site access, it is confirmed that this would be secured within the Section 106 legal agreement with £5000 agreed as an appropriate figure.

144. As this site is within a higher value area, this development would require 20% affordable housing in the form of affordable home ownership and affordable rent. The applicant has agreed to provide the requisite provision of affordable housing and this would also be secured through a Section 106 agreement. Each of these planning obligations are considered to comply with CDP Policy 25.

Public responses

145. With regard to concerns that the site is not allocated in the County Durham Plan it should be noted that Policy 6 does specify unallocated sites can be considered for development and housing is not only acceptable on those allocated sites under policy 4. It is considered for the reasons set out in this report that the proposal complies with policy 6 and is therefore acceptable.

146. In terms of traffic congestion and highway safety it is set out earlier in the report that highway officers consider that the proposals would not be prejudicial to highway safety or have a severe cumulative impact on network capacity that would warrant refusal of planning permission.

147. Residents are concerned that there are too many developments in the area. The housing needs of County Durham are outlined in the CDP. Housing on unallocated

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

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

CONCLUSION

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

RECOMMENDATION

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

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

And subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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

Details of methods and means of noise reduction/suppression.

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

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

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

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

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

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

reductions in CO₂ emissions. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

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

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

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

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

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework (2019)

National Planning Practice Guidance Notes

County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

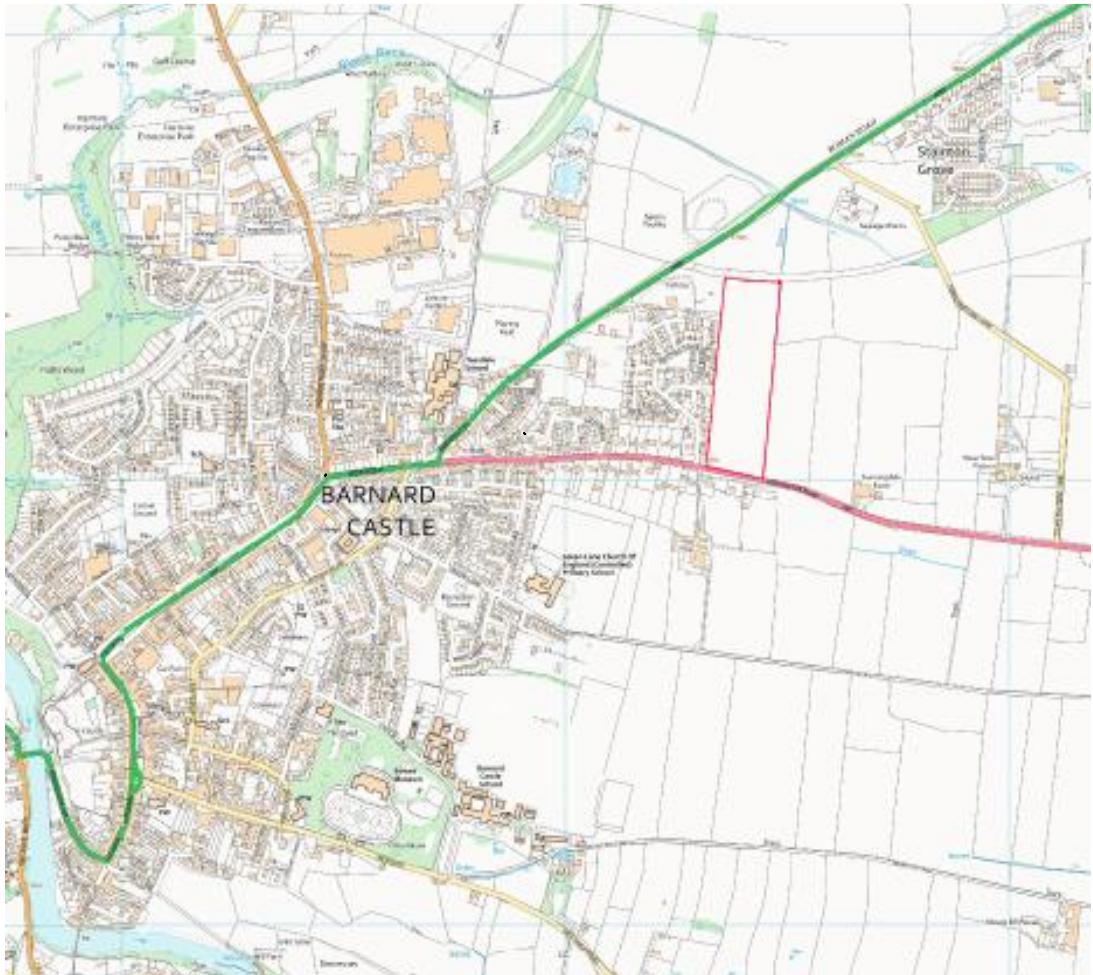
County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2020)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)



Planning Services	DM/20/03070/OUT Residential development of up to 100 units (outline with all matters reserved apart from access)
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	
Date 2 nd March 2021	Scale NTS