

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/20/01603/FPA |
| FULL APPLICATION DESCRIPTION: | 37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021) |
| NAME OF APPLICANT: | Kebbell Development Ltd |
| ADDRESS: | Site of former St Peters School, Main Road, Gainford |
| ELECTORAL DIVISION: | Barnard Castle East |
| CASE OFFICER: | Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 5.34 ha in area and relates to part of the former St Peters School site and undeveloped land, located on the A67 to the east of Gainford. The site is in a detached located around 200m from the eastern settlement edge of Gainford, which is defined by dwellings on Main Road and Eden Park and Gainford Medical Practice. The vast majority of the application site is located within the Gainford conservation area.
2. To the north of the site the dwelling 'The Manse' is located, the A67 and agricultural fields lie beyond. To the east of the site the principle remaining building of the former St Peters School are located, along with agricultural allotments. An access track leading to a sewage works is sited along the western boundary of the site. To the south of the site the sewage works are located with the River Tees beyond. To the western site boundary the dwellings of 'Sentosa' and 'Holme Cottage' are located, agricultural fields are located beyond.

Proposal and Background

3. Planning permission has previously been granted in 2019 for erection of 48 no. new build dwellings, conversion of the school building adjacent to the A67 to 9no. flats, associated demolition, landscaping and provision of open space. This scheme has not been implemented, but remains extant. The former school building adjacent to the A67 and associated access are in separate ownership and no longer forms part of the current application. As such there are no longer proposals to convert this building or include it as part of the development of the site in a comprehensive approach as was previously proposed. A new access point is also now detailed in this latest application.

4. Planning permission is now sought for the erection of 37 no. dwellings on the site. The dwellings would primarily be detached with 11 no. affordable rented and discounted sale semi detached and terraced dwelling proposed.
5. A new vehicle access would be provided off the A67 to the west of the existing school building and between a dwelling known as 'The Manse'. This would lead down a central spine road through the site leading to private drives to the east and west.
6. A large landscaped area would be provided to the south of the dwellings, comprising amenity and wildflower grassland, tree and scrub planting. This would include a series of footpaths, some mown meadow paths and others surfaced with hoggin connecting to an existing riverside footpath and to the track to the east. A SuDs basin is also proposed within the landscaped area immediately to the south of the dwellings.
7. It would be necessary to remove around 12 no. individual trees and 7 no. groups of trees/hedging to accommodate the proposed development.
8. The dwellings would be constructed using traditional brick, with slate and pantiled roofs and would include traditional features including sash style windows, head and cill detailing and door surrounds. The dwellings would have their own off street parking spaces, together with 9 no. visitor parking spaces scattered throughout the site.
9. The application is being reported to planning committee as it constitutes major development and as it is recommended for refusal, the applicant does not wish for the matter to be determined under the extended scheme of delegated powers.

PLANNING HISTORY

10. Planning permission DM/18/01980/FPA was previously granted in 2019 for erection of 48 no. new build dwellings, conversion of the school building adjacent to the A67 to 9no. flats, associated demolition, landscaping and provision of open space. The approved scheme was never implemented.
11. Planning permission DM/15/00730/FPA was granted in 2019 for part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure. The approved scheme has not been implemented.

PLANNING POLICY

NATIONAL POLICY

12. 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.
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 Page 73 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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

24. 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; noise; public rights of way and local green space; planning obligations; 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 (CDP)

25. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. Policy 6 (Development on 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 character of the 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; makes use of previously developed land and reflects priorities for urban regeneration.
27. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

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) 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 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) 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 wastewater 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 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) states that 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) 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.
44. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

EMERGING PLAN:

Gainford and Langton Neighbourhood Plan (GLNP)

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Gainford Parish Council* – No response received
47. *Environment Agency* – No objections subject to condition for development to be carried out in accordance with submitted flood risk assessment and to ensure no built development takes place within flood zones 2 and 3.
48. *Highway Authority* – No objections, note that the applicant would be required to enter into agreements under the Highways Act 1980 for the adoption of the new road and new access onto the existing public highway and to obtain a Road and Street Works Permit. The new roads through the site would also need to be subject to a 20mph speed limit controlled via a Traffic Regulation Order, which would form part of the Highways Act Agreement.

INTERNAL CONSULTEE RESPONSES:

49. *Archaeology* – No objections as the remaining school building is no longer included in the scheme.
50. *Ecology* – Notes that a Preliminary Ecological Assessment (PEA), both original and updated version, a Bat Transect Survey and Metric Biodiversity Calculation have been submitted as part of the application. Following the submission of amended plans, areas of habitat creation, and in particular the wildflower meadow creation areas, have been altered and are included in the landscaping plans. While it is understood that the wider improved grassland areas will also be enhanced (through appropriate management etc), however no details of this are provided and it is not included in the metric. Proposed monitoring intervals, which should be included with the management principles have not been provided. Monitoring is essential as it ensures that the target habitats are reached and that any appropriate management interventions are identified. The location of the recommended 4 integrated bat box units, should be

included on the proposed site plans to ensure their likely delivery. This has not yet been provided. A condition to agree a sensitive external lighting scheme would also be required.

51. *Spatial Policy* – Advise that the proposals do not comply with Policy 6 of the CDP. The Council can demonstrate a 5 year deliverable housing land supply. A minimum of 7 no. affordable dwellings, comprising 3 no. affordable home ownership and 4 no. affordable rent should be provided. 10% of the dwellings should be of a design and type that will increase the housing options of older people and should be built to M4(2) standard. Open space contributions of £57,956 would need to be secured as part of a s106 agreement.
52. *Design and Conservation* – Raise concerns that the development of the housing element only would appear as a development in isolation from the existing settlement with little benefit to the former school building which is considered a non-designated heritage asset. The layout and orientation of dwellings at the vehicular entrance to the site presents a bank gable to the street and does not provide a positive gateway to the development. The orientation of dwellings in this location should be reconsidered. The proposed layout is more inward-looking than the previously approved proposal with dwellings backing on to the open space to the south, resulting in rear boundary treatments addressing the open space. The orientation of dwellings in this part of the site creates an awkward front to back relationship with dwellings further into the site with the frons of plots 1-7 facing the rear boundaries of plots 8-10 and 12-15. The southernmost row of dwellings should be rotated to provided frontage to and natural surveillance of the open space. Some corner turning detail has been added to some units, but this is not reflective of the character of the surrounding area. Whilst the amended plans have improved the design and materials for individual dwellings, the above issues have not been addressed. The development would result in less than substantial harm to the character and appearance of the Gainford conservation area.
53. *Landscape* – No formal comments received, but raised concerns about the practicality of managing and maintaining such a large area of public open space and the orientation of dwellings to the south of the site backing on to the open space when the application was considered by the Design Review Panel.
54. *Arboriculture* – The proposed development will result in the loss of numerous trees inside the site. Of these, the majority are reasonably categorised as ‘C’ within the Arboricultural Impact Assessment (AIA). While they still make a positive impact on the visual setting, particularly group 9 and group 7, they would not be suitable candidates for tree preservation orders and their value is more as part of a group than as individual trees. Of more concern is the removal of the ‘B’ category trees (T14, 15, 17, 18), but again, these alone are unlikely to have a significantly negative impact on the wider visual amenity. The development does however look likely to impact the ‘A’ category trees to the west and south west of the proposed development, adjacent to units 25-31. It would be preferable for a design to allow a greater buffer between the development and the ‘A’ category trees to the west of the site. However, It may be possible to avoid damage to these trees through the submission of a detailed tree protection plan (TPP), which could be agreed by condition, providing it is followed in full and under arboricultural supervision although any deviation from a TPP will increase the risk of tree damage.
55. *Education* – 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.

56. *Contaminated Land* – No objections, subject to contaminated land condition.
57. *Environmental Health Nuisance* – A noise assessment has been submitted and is carried out to correct methodologies, it identifies the nearest noise generating sources as being road traffic noise from the A67. The report also considers noise and odour from the nearby sewage works. It is noted from the report a separation distance would be provided between it and the proposed dwellings to mitigate against elevated odour levels during certain climatic conditions. Whilst the noise report does not consider noise from the sewage works to be significant, it is considered that some low-level noise might be heard from motors/pumps operating on the site, however the separation distance will help mitigate against this low-level noise. Conditions are recommended to agree details of noise mitigation to specified thresholds, to agreement of a construction management plan and to limit construction working hours.
58. *Environmental Health Air Quality* – No objections, advise that a construction management plan will be required, any use of crushers may require an environmental permit.
59. *Affordable Housing* – The developer will need to ensure that the affordable housing requirements of the area are met.
60. *Drainage and Coastal Protection* – Advise that the permeable paving should be extended to the private access shared drives. Construction details of the permeable paving, design and construction details of the basin and surface water hydraulic design Microdrainage mdx digital files should be submitted, together with a plan indicating all finished floor levels and plot connection drainage indicating cover and invert levels and a Maintenance Plan for the SuDS features. It should be noted that the basin sides should not be steeper than 1 in 5.
61. *Rights of Way* – Note that there is a claimed public right of way crossing the southern part of the site on the riverside, which is expected to have gained public rights by deemed dedication. This path is included within the landscaped area and has been shown on the amended landscape plan. At the Design Review Panel, it was advised that whilst it is beneficial there would be a footpath link along the riverside and northwards through the development, the connection on to the track to the east of the site may be problematic as the northern section is outside the applicant's control and access to new residents along that stretch could be blocked by the land owner.

EXTERNAL CONSULTEE RESPONSES:

62. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.
63. *Northumbrian Water Limited* – No objections subject to a condition to agree details of foul water drainage.

PUBLIC RESPONSES:

64. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. 6 no. letters of objection have been received in response, with a summary of the key areas of concern as follows:
 - The remaining St Peters School building is an eyesore and has been subject to vandalism and anti social behaviour. In July 2020 the building caught fire, it is considered the building is now even more of an eyesore and potentially dangerous.

Without cohesive proposals for the site including the remaining building, this will continue to attract vandalism and anti social behaviour and is a drain on public sector resources. Building around this derelict building will not remedy these issues.

- New residents would not wish to live next to the fire damaged building, which attracts criminal and anti social behaviour.
- The proposal would involve development on greenfield land, which was previously justified by ensuring viability of the last approved scheme due to high demolition and remediation costs. There is no justification for developing greenfield land as part of these proposals.
- The previous approval addressed the issue of the derelict building and provided environmental improvements to the site. It also utilised an existing access and was approved when the Council's ability to demonstrate appropriate housing land supply was in dispute. These improvements would not be achieved by the current proposal and the Council can now demonstrate an adequate 5 year housing land supply.
- Concern is expressed that if this site is developed it could set a precedent for development on intervening land to the west between the site and the defined settlement edge of Gainford.
- Local residents have not been made aware of the application and that it does not seek to remedy the existing derelict building.
- The development will lead to increased traffic travelling through Gainford and will become a dormitory development for surrounding towns such as Darlington.
- There are not adequate amenities in Gainford to support an additional 37 no. dwellings.
- The site is prone to flooding and is also adjacent to the sewerage works.

65. The Campaign to Protect Rural England object to the application as it can no longer be viewed as enabling development given the exclusion of the former school building. This site is isolated from Gainford and in view of this separation cannot be considered to be well relate" to it under the provisions of Policy 6 of the County Durham Plan. Furthermore the site and surrounding land is designated as an Area of Higher Landscape Value in the Plan.

APPLICANTS STATEMENT:

66. As you will all be aware, planning permission was granted in 2019 for the comprehensive redevelopment of this site, and at the point of this consent being granted Kebbell had every intention, for it to be implemented and brought forward promptly. Since the approval, Kebbell Homes has worked very hard to try and agree a deal with the other landowner that would allow the site to be developed on a comprehensive basis. However, despite their best endeavours these discussions have not borne fruit.
67. Kebbell appreciate that in an ideal world it would be preferable for the whole site, including the derelict buildings that are remaining but extremely fire damaged and dangerous, be brought forward to enable comprehensive redevelopment. However, this has not proved possible in this instance and so alternative proposals for the site must therefore be considered if the site is not just to sit there derelict in perpetuity.
68. Kebbell cannot force the other landowner to sell them the land nor undertake development on their land without their permission, and Durham County Council have not offered to make use of their Compulsory Purchase Powers to assist, despite the obvious public benefits that would arise from doing so. Kebbell's solution to this dilemma has therefore been to seek a standalone planning permission for their part of the site (which constitutes the vast majority of the land at St Peter's) in the hope that by bringing their site forward it would encourage the other landowner either back to

the negotiating table to agree a comprehensive approach, or to give them the necessary confidence to bring forward the development on their part of the site, for which they already have a standalone planning permission. Both schemes can work independently and would be complimentary.

69. This approach has culminated in the submission of the current planning application by Kebbell for housing development on the part of the site that Kebbell own.
70. The current scheme will provide the same benefits to the local community that the original scheme would have delivered including: delivering high quality designed new dwellings within walking distance of local services and facilities, as well as a policy compliant number of affordable housing units, offering first time buyers and those on lower incomes increased opportunities to access new housing. The scheme will also provide an improved area of public open space to the south of the site, for all local residents to enjoy.
71. Whilst this is not the ideal situation, we hope Members can appreciate the difficult position the applicant is in and the efforts of Kebbell to attempting to be proactive and bring this site forward notwithstanding problems outside their control. Kebbell believe a start has to be made somewhere and that granting planning permission for their current application provides the best opportunity available to resolve the problems at St Peters.

The above 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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

72. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Housing Land Supply and Effective Use of Land, Locational Sustainability, Landscape and Visual Impacts, Impact on Heritage Assets, Design/Layout, Highway Safety, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Affordable and Accessible/Adapted Housing, Infrastructure and Open Space and Other matters

The Principle of the Development

73. 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 and is therefore considered up to date.
74. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but

only if material considerations in a particular case indicate that the plan should not be followed.

75. Policy 1 of the CDP sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. In this respect the wider site, as approved under the 2018 planning permission, forms part of a recognised commitment under Policy 1 of the CDP. However, the principal buildings of the former St Peters School and associated access are now omitted from this scheme.
76. The assessment of this acceptability of this original application was made using saved policies of the Teesdale District Local Plan, which were not considered to be up to date and therefore the planning balance test of paragraph 11 d of the NPPF was engaged. The benefits of redeveloping the former school buildings and associated enhancement of the character of the conservation area were given significant weight in the planning balance and together with other associated benefits of the scheme which were considered to outweigh harm caused by development beyond the main built form of the settlement and the previously developed part of the site and loss of trees.
77. Whilst recognising that a significant part of the site forms part of the housing commitment identified within the CDP and remains extant, delivery of the approved site is reliant upon the access adjacent to the principle standing St Peters School building which is outside of the applicant's ownership. Implementation of this scheme could not be achieved without the agreement of both landowners. This application proposes an alternative access and excludes the main buildings that were proposed to be converted. This new standalone application is therefore required to be assessed against relevant policies now in force (the CDP) and on its own planning merits.
78. In this respect Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area 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.
79. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is not considered to fall either within the built up area of Gainford or well related to the settlement, which has a strong settlement boundary to its western edge. In principle the development would conflict with Policy 6 of the CDP, detailed consideration of the scheme against the relevant above criterion (a-j) of the policy will occur in later sections of the report.
80. As the application site is located outside of the built-up area of Gainford it is considered to be by definition in the 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 (including Policy 6) or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. The Proposal conflicts with Policy 6 and does not form one of these forms of development and is therefore in conflict with Policy 10 of the CDP. Consideration will be given to the general development principles of development within the countryside set out in Policy 10 of the CDP later in the report.

Housing Land Supply and Effective Use of Land

81. With regards housing supply, 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.
82. 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
83. As identified above although a large portion of the site is a recognised commitment under Policy 1 of the CDP. However, the total housing need figure does recognise some sites will not come forward for varying reasons, with an average lapse rate of 12% estimated. This lapse factored into the total housing need figure and therefore failure to develop the site is not considered to have a significant impact on the Councils Housing delivery
84. The NPPF at paragraph 84 sets out that the use of previously developed land, and sites that are physically well related to existing settlement should be encourage where

suitable opportunities exist. Furthermore Part 11 (Making effective use of land) of the NPPF seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land (PDL). Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).

85. Policy 6 of the CDP requires that development proposals make as much use as possible of PDL and reflect priorities for urban regeneration. The policy also sets out that inappropriate backland development should be avoided.
86. In assessing this application against this policy context, the inclusion of the former school building fronting the A67 is considered pivotal to any redevelopment of the site to enhance the character of the conservation area and deliver other environmental benefits. As this area is excluded from the current proposal, it is considered that the current proposal represents an inappropriate form of backland development. In the same regard it fails to take account of its surroundings by excluding the school building and is situated in a detached position, in the countryside outside the main form of the settlement, as such it is not appropriate to the form and setting of the settlement. Whilst some brownfield land would be developed as part of the scheme, this is only estimated to be around 65% with the remaining 35% being previously undeveloped, greenfield land. Without inclusion of the school building as part of the proposals, it is not considered the scheme would make as much use as possible of previously developed land and does not reflect local priorities for urban regeneration. Without the revenues generated from the market housing element of the scheme, it is considered that the conversion works to secure the retention of the building would be unviable. As such the proposal would conflict with CDP Policy 6 and the aims of Parts 6 and 11 of the NPPF

Locational Sustainability

87. Policy 6 of the CDP requires that sites have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport. 104.
88. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Gainford is rated as having a settlement score of 23 (ranked 55th out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is therefore capable of accommodating

appropriate housing growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic. Gainford benefits from a range of facilities including a primary school, GP surgery, a public house, a village hall, places of worship and local convenience store therefore is relatively well serviced.

89. There is a roadside footpath to the southern side of the A67 linking the site to the village. Gainford Medical Practice lies around 200m to the west of the site, the Post Office, Village Hall and a Fish and Chip Shop lie around 550m away and Gainford Primary School is around 850m away within the centre of the village. All of these are at the lower to mid limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". The walking routes to the amenities and services in the surrounding area are on adopted well-lit highways with no significant topographical restrictions. For similar reasons, cycling is also likely to be a viable alternative to the private motor car to access amenities and services within the village. Whilst recognising Gainford does not possess the same range of facilities as a major settlement or larger town, those it does have, coupled with sustainable transport options, reduces the amount of trip generation between settlements and reliance on the private motor vehicle.
90. Bus Stops are located on the A67 immediately outside the site, offering regular daily services to Barnard Castle, Darlington and other local settlements.
91. 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.
92. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6, 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.

Landscape and Visual Impacts

93. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement. Policy 10 also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. 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. 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 and optimise the potential use of the site

94. The site is situated in an area of higher landscape value (AHLV). An Addendum to the Landscape and Visual Appraisal has been submitted with the application. Key views of the site are generally localised from the A67 to the north and the track to the east and riverside footpath which crosses the southern part of the site, which although not designated public rights of way are likely to have attracted public rights through long term use. The site comprises relatively flat terrain adjacent to the River Tees, land rises to the north and south away from the river. The banks of the river contain mature woodland which provides effective screening of the site in long distance views from public rights of way to the southern side of the river. Gently sloping topography, trees and existing buildings on intervening land to the north, effectively screen the site in long distance views to the north from North Lane, Eden Lane and Cock Lane and public rights of way.
95. Land adjacent to the site varies in character from the open agricultural fields to the north and west, existing residential properties to the north and west, allotments to the east and the sewage treatment works further to the south. Whilst only the main former school building, together with a derelict single storey block to the south remain on the site, the unmistakable appearance of the site is of the remains of its former use, which in its current state detracts from both the character and the appearance of the landscape and wider area.
96. The main former school building fronting the A67 would remain in its current condition unaffected by the proposed development. This would continue to be an eyesore for pedestrians and vehicle users travelling both east and west along the A67, new residents and pedestrians passing through the proposed development and users of the track to the east of the site. The retained, fire damaged building, viewed against the background of a new housing development would appear extremely incongruous in views of the site from the locality and is likely to be off putting to potential purchasers and tenants of the new dwellings.
97. One of the primary benefits of the previous scheme was the sensitive re-use and environmental improvements provided by the conversion of the former school building. This would no longer be achieved. The proposed housing development would be located around 200m from the existing built up edge of the settlement. Although there are a few detached dwellings clustered around the St Peters site, a modern housing estate within this context would read as a detached urban development in the open countryside. Although relatively self-contained, this would have transformative adverse impact on the character of the surrounding countryside and would be a prominent feature in views from the A67 to the north, the track to the east and riverside footpath which crosses the southern part of the site.
98. The proposal would involve development of a significant area of greenfield land, around 35% of the total proposed developable area. Previously this was justified due to the other benefits of restoring the school building and associated environmental improvements. Whilst the proposal would improve the appearance of the derelict hard standings and single storey block to the rear of the school building, it would not address the fundamental issue of the prominent, derelict school building and land immediately behind this. Development of attractive green space beyond the previously developed envelope would have transformative, impact on the character of this land and the immediate surroundings of the site. Without the significant public

benefits of the previous approval, there is no justification for these adverse impacts within the AHLV and development of attractive green space in the open countryside.

99. The development would result in the loss of around 12 no. individual trees and 7 no. groups of trees/hedging to accommodate the proposed development. Many of these trees are beyond or on the edge of the previously developed envelope. Some of these trees are defined as category B (moderate quality and value and of a condition making a substantial contribution to the site). Their removal would result in adverse impacts on the character of the surroundings. Policy 40 of the CDP seeks to prevent the loss of trees with high landscape value or amenity value unless the benefits of the proposal clearly outweigh the harm, this planning balance exercise is undertaken later in the report. The Tree Officer did recommend redesign of certain elements of the scheme to allow for retention of a greater number of valued trees and to afford more protection to category A trees along the western boundary, however this opportunity has not been progressed by the applicant.
100. The Landscape Officer advises that the proposed area of public open space to the south of the site is very large in comparison to the housing development itself. The application does not provide formal details of how this large area would be managed in the long term, however it has been indicated informally this would be passed to a management company to maintain. The meadow areas and mown paths are likely to require frequent cutting. Given the size of the open space, it is likely that long term management and maintenance would be expensive and impractical over time, potentially leading to the area becoming overgrown and untidy. Whilst the landscaped area is similar to that approved as part of the previous application, this was within a different planning policy context and before the internal Design Review Process was introduced. The applicant has been made aware of the concerns about the size and management of the open space but has not amended the scheme to address these matters.
101. Overall, it is considered that the detached nature of the development in the open countryside 200m beyond the well established settlement edge and loss of a significant number of valued trees, would result in adverse impacts to the character of the rural landscape and AHLV. While this level of impact is similar to that previously proposed the conflict with Policies 6, 10, 26, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF need to be weighed in the planning balance.

Impact on Heritage Assets

102. 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.
103. NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
104. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

105. The development fails to preserve or enhance the character and appearance of the key aspect of the St Peters site, the former school building and adjacent land, fronting on to the A67. Although not listed and now in poor condition, this building is a prominent feature and important historical building within the conservation area. The detached modern housing development would be at odds with the character of the existing retained building, which would remain in its current derelict state. The proposals do not seek to maximise on opportunities to enhance the character and appearance of the conservation area in this regard.
106. The lack of inclusion of this prominent, derelict part of the site within the scheme, coupled with the visual and landscape impacts identified above, would result in negative impacts to the character and appearance of the conservation area. The Design and Conservation Officer considers the resulting harm would be less than substantial. This level of harm is required to be outweighed by the public benefits of the proposal and this planning balance exercise is undertaken later in the report

Design/Layout

107. Part d of Policy 6 of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 10 also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. 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.
108. 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 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. Policy 29 of the CDP states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
109. At the final consideration by the internal Design Review Panel the scheme received 3 "reds", 6 "ambers" and 3 "green" scores.
110. The first "red" related to the poor connectivity of the development resulting from the omission of the former school building, which did not respect existing buildings and land uses around the site. Concern was also raised about a footpath connection onto a track to the east of the site which is not fully within the applicants control and may not be accessible to new residents.

111. The second “red” was due to the lack of well defined streets and spaces within the scheme, where buildings were not designed and positioned with landscaping to define and enhance streets and spaces and would not turn corners well.
112. The layout and house types result in a poor sense of arrival into the site. On arrival into the site residents and visitors would be presented with a blank gable to plot 32, other dwellings in prominent locations were not designed to turn corners, presenting blank gables in key locations within the site. This was revised to feature bay windows to the gables of corner turning units and more prominent gables, however these additions are not considered to reflect the character of the surrounding area. The development turns its back on the public open space, with dwellings and rear garden enclosures backing onto it. The development would be car dominated along the central route.
113. The final “red” related to the definition and designation of public and private spaces, whether these would have appropriate access and be well managed and safe to use. Concerns were raised regarding the practicality of the meadow space and how such a large area would be practically maintained by the management company. Although additional information about proposed SuDs has been provided, this was only concentrated in one location to the rear of the site and was not distributed throughout the site as required by policy 35 of the CDP.
114. “Amber” scores related to the exclusion of the former school building and loss of trees within the site, meaning the scheme would not take full advantage of existing landscape features, wildlife habitats, existing buildings and site orientation. The development was considered easy to navigate but access to the public open space was less clear, in particular having regard to the link to the eastern track, part of which is outside the applicants ownership. The streets were designed to encourage low vehicle speeds, however the dominance of parking and orientation of dwellings in relation to the public open space was considered to impact on social spaces. It was noted that some of the affordable units only had limited external space for storage and the size of private gardens to these plots could be increased.
115. “Green” scores were awarded due to the sustainable location of the site where local services would be accessible, good links to public transport and the good mix of house types and tenures proposed. It was noted that following revisions to the layout of visitor parking this was now considered acceptable. Improvements had been made in terms of the distribution of visitor parking and appropriate parking provided for house types. Additionally, house types had been amended to be constructed in traditional materials and incorporating some vernacular features, reflective of the character of the conservation area.
116. In line with Policy 29 of the CDP, as 3 “reds” and 6 “ambers” were still awarded to the revised scheme, it is considered there are significant areas where the design and layout that could be improved and that the development is not to a good standard of design. This policy advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. In this case, it is not considered there are any significant reasons that outweigh the low standard of design and the proposal would not accord with CDP Policy 29 in this respect and would fail criterion d of Policy 6 of the CDP. The development is also considered contrary to Part 12 of the NPPF in this respect.

117. 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 10 part q requires that new development in the countryside should not be prejudicial to highway safety. 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.
118. A new vehicle access to the site would be formed on to the A67 to the north of the site between the former school building and a dwelling known as the Manse. This would lead on to an adoptable standard road with various off shoots leading to private drives. Individual dwellings would have off street parking and 9 no. visitor bays would be provided distributed adequately throughout the site, in accordance with the DCC Parking and Accessibility Standards (2019).
119. Following the submission of amended plans improving the parking layout, the Highway Authority raise no objections to the application, subject to the applicant entering into the relevant separate agreements under the Highways Act 1980 for the adoption of the new road and new access onto the public highway and obtaining a Road and Street Works Permit. The new roads through the site would also need to be subject to a 20mph speed limit controlled via a Traffic Regulation Order, which would form part of the Highways Act Agreement.
120. It is noted that some local residents have raised concern about additional traffic from the development using local roads. It is considered that there is adequate capacity on the local highway network to accommodate the additional vehicle movements generated by the proposed development, without resulting in adverse highway safety impacts.
121. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 10 part q, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity

122. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 10 part r required new development in the countryside should not impact adversely upon residential or general amenity. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
123. 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. These separation distances would be achieved by the proposals.

124. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. All plots would broadly achieve this, although plot 23 and the affordable dwellings on plots 32-35 would have significantly smaller gardens than others on the site.
125. Plots 16-19, 22 and 32-37 would back on to the derelict land and buildings at St Peters. Whilst boundary treatments would be erected and would provide separation, the adjacent land is untidy and in an unkempt condition. There have been on going issues of breaking in, vandalism and antisocial behaviour to the St Peters building and adjacent land. As such residents of these properties, plots 32-37 which are the affordable units, would be subject to a poor outlook of the derelict site resulting in a low standard of visual amenity, particularly due to the sub-standard garden lengths. They may also be subject to disturbance from on-going problems of breaking in, vandalism and antisocial behaviour on the adjacent derelict land. Given the relationship of these properties to the derelict land and building, it is considered that future occupiers would be subject to unacceptable levels of residential amenity and they are unlikely to be desirable to future purchasers and tenants.
126. A noise assessment has been submitted as part of the application. The Environmental Health Nuisance Team advise this has been carried out to the correct methodology and identifies the nearest noise source as the A67. The Assessment also considers noise and odour from the nearby sewage works.
127. The Assessment advises that a separation distance is proposed between the residential development and the sewage works to mitigate against elevated odour levels during certain climatic conditions. Whilst the Assessment does not consider noise from the sewage works to be significant, the Environmental Health Nuisance Team consider it likely that some low-level noise might be heard from motors/pumps operating on the site, although the separation distance will help mitigate against this low-level noise. It is considered that this issue could be overcome by a condition requiring approval of a scheme of noise mitigation measures and in the event the application were to be approved this could be attached.
128. The Environmental Health Nuisance Team also raise concerns that there is potential for adverse impacts on local amenity during the construction phase. This could also be addressed by a condition requiring approval of a comprehensive construction management plan prior to the commencement of the development, to ensure construction works are managed in such a way so as to avoid significant disturbance to adjacent residents. Additionally conditions to control construction working hours are recommended by the Environmental Health Nuisance Team.
129. Whilst in the main, the development would provide a reasonable level of residential amenity. Occupiers of the plots immediately adjacent to the derelict St Peters building and land would be subject to low levels of amenity resulting from a poor outlook on the dilapidated site and on-going problems of breaking in, vandalism and antisocial behaviour and substandard garden lengths. For this reason, it is considered the development would not provide acceptable levels of amenity to future occupiers, in conflict with Policies 6 part a, 10 part r, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Flooding/Drainage

130. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

131. Policies 35 and 36 of the 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.
132. A Flood Risk Assessment and Surface Water Drainage Strategy and Calculations have been submitted in support of the application. The Surface Water Drainage Strategy and Calculations document has been revised following advice from the Drainage Section. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a basin to treat and attenuate surface water runoff.
133. The site is located to the northern side of the River Tees. A small section of the proposed landscaped area along the river bank to the south of the site is located within flood zones 2 and 3, however no development other than soft landscaping is proposed in this area.
134. The Drainage Section broadly considered the SUD's proposals to be acceptable to deal with surface water from the site, however it is advised that permeable paving should be extended to the private access shared drives. Additionally the construction details of the permeable paving, design and construction details for the basin, surface water hydraulic digital files are requested together with a plan indicating all finished floor levels and plot connection drainage indicating cover and invert levels and maintenance Plan for the SUDS features. It is considered that these matters could be agreed by condition in the event the application were to be approved.
135. Policy 35 part d requires that for major developments the management of surface water must be an intrinsic part of the overall development, part f of the policy requires that surface water management measures should supplement green infrastructure networks. As highlighted by the Drainage Officer at the final consideration of the scheme by the Design Review Panel, the SUDs basin is located in one area of the site only. Whilst some permeable paving within the site is proposed, there is no network of SUDs features throughout the site providing a green infrastructure network.
136. Although this is disappointing, as SUDs features are proposed broadly to the satisfaction of the Drainage Section, on balance it is not considered that this omission would result in a significant conflict with Policy 35 of the CDP to the extent that would warrant inclusion of a flooding/drainage refusal reason.
137. The Environment Agency raise no objections to the application subject to a condition for development to be carried out in accordance with submitted flood risk assessment and to ensure no built development takes place within flood zones 2 and 3, which is considered appropriate.

138. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ecology

139. Policy 10 part I states that new development in the countryside should not give rise to unacceptably harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for. Policies 26, 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.
140. A Preliminary Ecological Assessment (PEA), both original and updated version, a Bat Transect Survey and Metric Biodiversity Calculation have been submitted as part of the application.
141. The Council's Ecologist has reviewed the submitted information and provided a final response, in which it is advised that the existing semi-improved grassland does not appear to have been included in the metric calculation. Details of the target habitat types/seed mixes, management principles, proposed monitoring intervals and location of 4 no. integrated bat boxes details in the Bat Transect Survey are also requested. Whilst it would have been desirable for these details to have been provided prior to the determination of the application to give the LPA confidence a net gain to biodiversity would be achieved, in the circumstances it is considered they could be agreed by condition if the application were to be approved.
142. Overall and subject to relevant conditions to agree final ecological details, it is considered the scheme is capable of providing a net gain to biodiversity and would accord with Policies 10 part I, 26, 41 and 43 of the CDP and Part 15 of the NPPF.

Ground Conditions

143. 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.
144. The Contaminated Land Officer notes that there is the potential for made ground and contamination on the site. Given this and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply. Together with an informative relating to unforeseen contamination, this 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.
145. 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.

Affordable and Accessible/Adapted Housing

146. 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.

147. 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, split into 10% in the form of affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership) and 10% as affordable housing for rent. These requirements would translate as 3 no. affordable home ownership units and 4 no. affordable rented units.
148. The scheme proposes 8 no. affordable rented units and 2 no. affordable home ownership units. Whilst these indicated affordable units are not fully compliant with the requirements of the CDP, overall the number of affordable units exceeds required standards. Precise details of affordable housing products could be secured as part of a s106 agreement if the application were to be approved, as such this is not considered to be a reason for refusing the application.
149. 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.
150. Whilst the application was initially submitted prior to the adoption of the County Durham Plan, amended plans submitted after adoption of the Plan do not provide 10% of the units to increase housing options for older people or for 66% of the dwellings to be built to Building Regulations Requirement M4 (2) standard. As such the proposal would not provide an appropriate mix of dwellings, in particular to meet the needs of older and disabled people and is in conflict with Policy 15 of the CDP and Part 5 of the NPPF in this regard. It is considered that this matter could not be addressed by condition.

Infrastructure and Open Space

151. 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).
152. 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.

153. The site layout demonstrates that large areas of green space (equating to around 3.4ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.12ha) requirement. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. Conditions can secure the details of the future management and maintenance arrangements.
154. A contribution of £57,956 would be required towards off-site provision in lieu for those typologies not provided for on site (allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could 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.
155. 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.
156. The School Places Manager has advised that the proposed development is likely to generate an additional 12 primary age school pupils and 5 secondary age school pupils and there is sufficient capacity at the local schools to accommodate this need. As such no financial contribution is required.
157. 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.
158. 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.

Other issues

159. 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, taking into account economic and other benefits. 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. Only a relatively small area of open land beyond the previously developed area of the former school site is intended to be developed. This is not currently used for agriculture, as such there would be no conflict with policy 14 of the CDP or Paragraph 170 of the NPPF.

CONCLUSIONS

160. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
161. In this instance it is concluded that the proposed development would conflict with Policy 6 as it is outside the built-up area for Gainford and it is not well related to the settlement. Similarly, the proposal is not one of the acceptable forms of development listed in Policy 10 of the CDP and is also in conflict with this policy. Given the omission of the former school building fronting the A67 and associated land, it is considered that the benefits previously attributed to redeveloping this element do not weigh in favour of the proposal and therefore the presumption against development in this location should not be overridden.
162. Furthermore, it is concluded that the omission of the principle building of the former St Peters School from the scheme, results in the formation of inappropriate form of backland development that fails to take into account the opportunity of the site. It is considered that without the cross subsidy of market housing the conversion of the main building is unlikely to occur and does not reflect local priorities for urban regeneration or effective use of previously developed land. As such the proposal would conflict with Policy 6 of the CDP and Parts 11 and 12 of the NPPF.
163. The proposals would result in impacts to the character of the rural landscape and AHLV. The scheme would provide limited public benefits in terms of provision of affordable housing and economic benefits during construction and from new residents supporting local services, however these would not outweigh the identified landscape harm and loss of trees. As such the proposals would conflict with Policies 6, 10, 26, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.
164. It is concluded that the scheme would result in less than substantial harm to the character and appearance of the conservation area. The above identified benefits are not considered to outweigh the less than substantial harm. As such the proposal is considered to conflict with Policy 44 of the CDP, Parts 12 and 16 of the NPPF.
165. It is concluded that the development does not achieve high quality design, achieving 3 “reds” and 6 “ambers” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards. There are no significant reasons or that outweigh the low standard of design and the development would conflict with Policy 29 and Part 12 of the NPPF in this respect
166. Whilst in the main, the development would provide a reasonable level of residential amenity, it is concluded that occupiers of the plots immediately adjacent to the derelict St Peters building and land would be subject to low levels of amenity resulting from a poor outlook on the dilapidated site and on going problems of breaking in, vandalism and antisocial behaviour magnified by the substandard garden spaces. For this reason, it is considered the development would not provide acceptable levels of

amenity to future occupiers, in conflict with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

167. It is also concluded that the scheme does not provide 10% of the units to meet the needs for older people or multi-generational families. Furthermore, based on the submitted information 66% of the dwellings would not be built to Building Regulations Requirement M4 (2) standard. As such the proposal would not provide an appropriate mix of dwellings, in particular to meet the needs of older and disabled people and is in conflict with Policy 15 of the CDP and Part 5 of the NPPF in this regard.
168. The proposals are considered acceptable in terms of Infrastructure and Open Space, Ground Conditions, Drainage, Highway Safety and Locational Sustainability in accordance with Policies 6 (part e), 21, 25, 26, 32, 35, 36 and Parts 8, 9, 12, 14 and 15 of the NPPF in this respect.
169. Overall it is concluded that the development would conflict with the CDP, given the absence of securing the benefits of the retention and redevelopments of the key buildings on site there no material considerations which are considered capable of outweighing this conflict and therefore the application is recommended for refusal.

RECOMMENDATION

170. That the application be **REFUSED** for the following reasons:
 1. In the opinion of the Local Planning Authority, the development fails to make effective use of previously developed land resulting in a backland development that does not take into account the opportunities available for improving the character and appearance of the area. Due to the lack of a comprehensive development, any benefits associated with the development are not considered to outweigh the presumption against development in this countryside location, and the associated landscape and heritage harm. The development is therefore considered to conflict with Policies 6, 10, 26, 29, 39, 40 and 44 of the County Durham Plan and Parts 6, 11, 12, 15 and 16 of the NPPF
 2. The development is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document in conflict with Policy 29 of the County Durham Plan and Part 12 of the NPPF.
 3. In the opinion of the Local Planning Authority future occupiers of plots 16-19, 22 and 32-37 of the development would experience an unacceptable level of residential amenity resulting from the poor outlook onto adjacent dilapidated land and buildings and from ongoing problems of breaking in, vandalism and antisocial behaviour magnified by sub-standard garden lengths, in conflict with Policies 29 and 31 of the County Durham Plan, the County Durham Plan Residential Amenity Standards Supplementary Planning Document and Parts 12 and 15 of the NPPF.
 4. The development does not make provision for at least 10% of the units to meet the housing option needs for older people, or demonstrate that at least 66% of the dwellings would be built to Building Regulations Requirement M4 (2) standard to meet the needs for people with disabilities in conflict with Policy 15 of the County Durham Plan and Part 5 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

171. 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 Forms, Plans and supporting documents

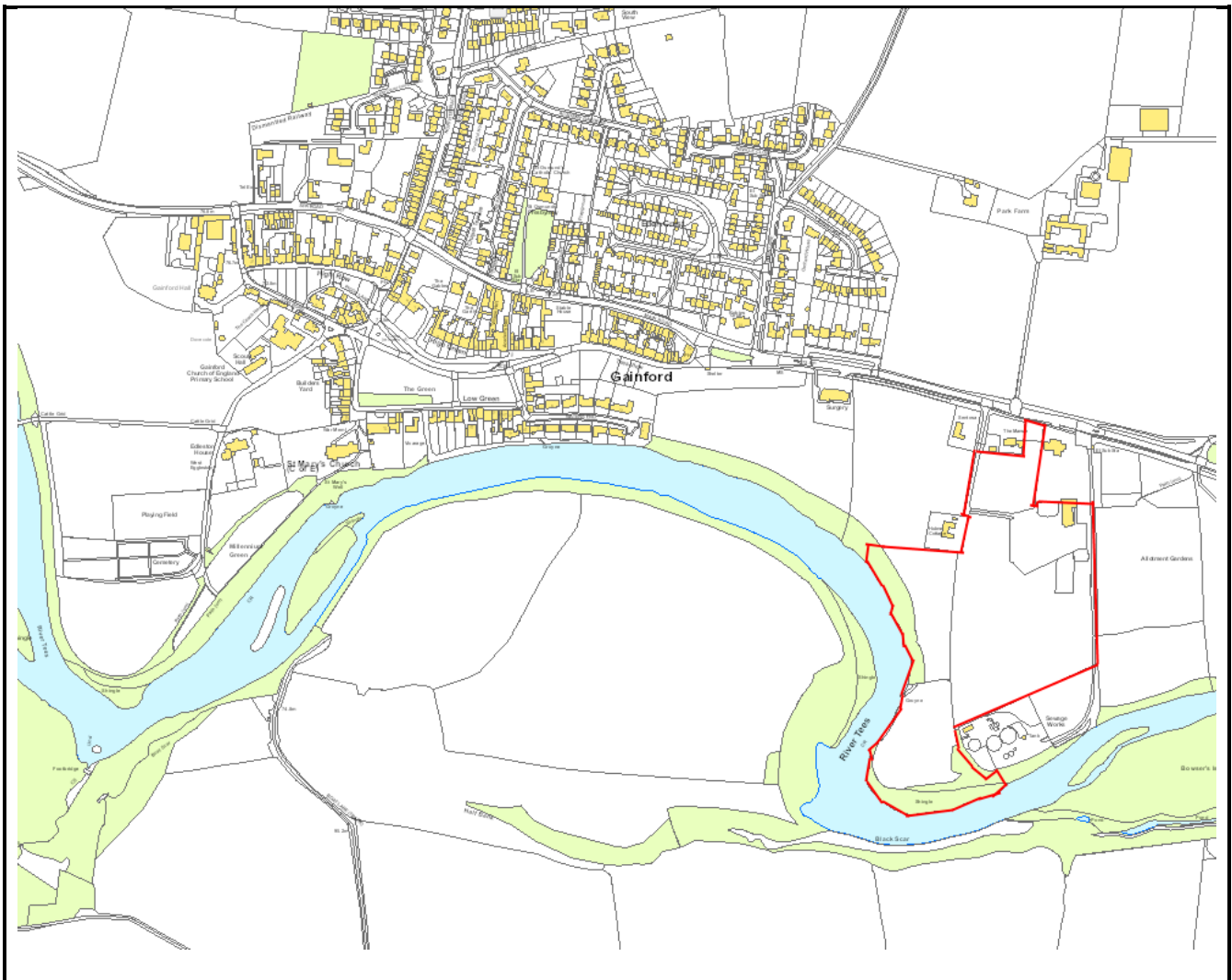
National Planning Policy Framework

The County Durham Plan (CDP)

Statutory consultation responses

Internal consultation responses

External consultation responses



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| <p>Planning Services</p> | <p>37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021)</p> | |
| <p>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</p> | <p>Comments</p> | |
| | <p>Date 22 March 2021</p> | |