

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	6/2012/0047/DM
FULL APPLICATION DESCRIPTION:	Residential development comprising 100no. dwellings (30 affordable) and associated infrastructure
NAME OF APPLICANT:	Taylor Wimpey NE Ltd
ADDRESS:	Land at High Riggs, Barnard Castle, DL12 8TA
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Colin Harding <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a> 03000263945

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The site

1. The application site relates to a roughly rectangular area of agricultural land of 5.9ha located on the eastern edge of Barnard Castle and lies between the A67 Darlington Road and the A688 Bishop Auckland Road. The site lies wholly outside, but adjacent to the settlement boundary of Barnard Castle as defined in the Teesdale Local Plan.
2. The site is bounded to the south by the A67 and 6no. houses which front this road. To the south west lies the housing estate of High Riggs and to the west are Lawson's Farm, Addison's Sale Rooms and agricultural land. To the east lies further agricultural land, and to the north is a haulage/aggregates depot.
3. The site itself is currently an arable field, its boundaries defined by a mixture of hedging, fences, walls and trees. The topography of the site is such that it drops around 20m from the southern part of the site. Access to the site is from an existing gated access to the A67.

### The proposal

4. The application seeks planning permission for the erection of 100no. dwellings, 30no. of which would be affordable. The affordable element would consist of 15no. dwellings available for affordable rent and 15no. dwellings available at a discounted rate of 70% market value.
5. The housing mix of the proposal is focussed towards family homes, but comprises 2, 3 and 4 bedroom properties offered in a variety of styles, including 17no. Bungalows. The overall density of development on the site would be around 20 dwellings per hectare.
6. The layout includes a substantial amount of public open space, 0.9ha in total, with the main focus being a landscaped footpath running through the site, culminating in a landscaped hollow, which would also serve as a soakaway in

association with the SUDS drainage system. The proposal also features informal play areas and a small community allotment garden.

7. The application is accompanied by a Statement of Community involvement which details how the applicant undertook early community engagement, and how the feedback from the engagement has influenced the design of the proposal, particularly in relation to the neighbouring dwellings along the southern perimeter of the site adjacent to the A67.

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## **PLANNING HISTORY**

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8. There is no planning history for this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. On March 27th 2012 the Government published the *National Planning Policy Framework* (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are not up-to date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

### **REGIONAL PLANNING POLICY**

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021.
11. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;
12. *Policy 1 North East Renaissance* states that strategies, plans and programmes should support a renaissance throughout the North East
13. *Policy 2 Sustainable Development* seeks to embed sustainable criteria throughout the development process and influence the way in which people take

about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

14. *Policy 3 Climate Change* states that the RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change
15. *Policy 4 The Sequential Approach to Development* advocates a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations
16. *Policy 6 Locational Strategies* states that plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.
17. *Policy 7 Connectivity and Accessibility* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
18. *Policy 8 Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
19. *Policy 24 Delivering Sustainable Communities* refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
20. *Policy 29 Delivering and Managing Housing Supply* requires local authorities to phase the release of housing land and take into account the impact on housing trajectories.
21. *Policy 33 Biodiversity and Geodiversity* seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species
22. *Policy 38 Sustainable Construction* sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

#### **LOCAL PLAN POLICY:**

23. The following policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
24. *Policy GD1 (General Development Criteria):*  
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

25. *Policy ENV1 (Protection of the Countryside):*

Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

26. *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value):*

Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

27. *Policy ENV8 (Protecting Animal and Plant Species Protected By Law):*

Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

28. *Policy ENV10 (Development Affecting Trees and Hedgerows)*

Development will only be permitted where it avoids unreasonable harm or loss to protected or mature trees and hedgerows which contribute to local amenity.

29. *Policy ENV12 (Protection of Agricultural Land):*

Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.

30. *Policy ENV15 (Development Affecting Flood Risk):*

Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.

31. *Policy ENV17 (Sewerage Infrastructure and Sewage Disposal):*

Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.

32. *Policy BENV11 (Sites of Archaeological Interest):*

Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.

33. *Policy H1A (Open Spaces Within Developments):*

In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with the following minimum standard:

- i) Formal play space: 0.4 ha per 1,000 population (i.e. 100 sq m per 10 dwellings)
- ii) Amenity space: 0.8 ha per 1,000 population (i.e. 200 sq m per 10 dwellings)

34. Where there is an identified deficiency and it is considered appropriate, the council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreation/leisure facilities to serve the development in accordance with housing design policies in the plan.

35. *Policy H6 (New Housing in the Countryside)*

A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.

36. *Policy H12 (Design)*

The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

37. *Policy H14 (Provision of Affordable Housing within Developments)*

The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

38. *Policy T2 (Traffic Management and Parking)*

Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in appendix 2, except in areas where the provisions of policy T3 apply.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://content.durham.gov.uk/PDFRepository/TeesdaleLPSavedPolicies.pdf> for Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

39. The *County Highway Authority* raise no objections to the proposal following the submission of amendments to some elements of the internal layout of the estate. They consider that the A67 is capable of accommodating the additional traffic which would be generated by the development and that the proposed junction would represent a safe means of joining and leaving the A67.

40. *Northumbrian Water* raise no objections to the proposals.
41. The *Environment Agency* raise no objections to the proposals subject to a condition with regards to surface water drainage being attached to any planning permission.
42. *Marwood Parish Council* object in principle to the application as they favour the development of brownfield sites over Greenfield. Besides from these concerns, they have indicated that the proposed mix of properties is the least objectionable and that the development needs to be of the highest calibre if it is not to detract from the value of nearby properties. They also wish careful consideration to be given to landscaping. They feel that Teesdale residents should have preference for affordable housing and that any s106 money be first offered to Marwood Parish Council.
43. *Barnard Castle Town Council* raise no objections to the application, subject to a number of conditions, including that Officers should be satisfied that the release of the land is justified, that more 3no. bedroom properties be provided, that high regard is given to design quality, that it is noted that the Town Council would express an interest in becoming owners of the proposed allotments and play areas and that consideration be given to securing a sum via a s106 agreement for the renovation of the green areas along Galgate in the town centre, and that the planning committee meeting be held in Barnard Castle.

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

44. The *Housing Development and Delivery Section* raise no objection to the proposal. They note that the Strategic Housing Market Assessment identifies Barnard Castle as an area requiring affordable housing provision. They note that it would usually be expected that affordable housing be provided at an 80/20 ratio in favour of social rent, however a 50/50 ratio is considered to be acceptable in this instance.
45. The *Landscape Section* raise no objections to the proposals, now that revised internal landscaping plans have been received. The landscape and visual impact assessment has been carried out in accordance with the recognised guidance, and therefore they have no reason to disagree with the assessment of the impacts. The proposed planting will have a mitigating effect, though this will take some years to have a significant effect. The extension of the apparent built area of Barnard Castle, in views from the north east, is not of major significance.
46. The *Pollution Control Section* are satisfied with the submitted noise assessments and that the proposed mitigation measures appear acceptable in principle. They recommend that the applicants consider BS5228-1: 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1: Noise during the construction phase and that the potential impacts of dust be considered. A restriction on working hours is also recommended.
47. The *County Archaeologist* has assessed the submitted archaeological information and geophysical survey and concluded that no further investigation work is required.
48. The *Sustainability Officer* is satisfied that the scheme is acceptable.

49. The *Spatial Policy Team* whilst recognising that the proposal represents a departure from current planning policy, have no objections, having regards to the current economic and policy climate.
50. The *County Ecologist* is satisfied with the submitted ecological survey and recommends that the mitigation measures outlined are secured by condition.

#### **PUBLIC RESPONSES:**

51. The application has been publicised in the press, site notices have been displayed at the site and letters were sent to neighbours.
52. The *Campaign for the Protection of Rural England* consider that the proposal represents a significant extension to Barnard Castle and would appear as island development. Other properties on the skyline are isolated. Because of the lie of the land, the site may well be fairly prominent from the A688. CPRE also highlight the allocation of the site in the SHLAA and endorse the Environment Agency's requirement for a drainage condition.
53. *Bishop Auckland Cycling Club* note that the development has the potential to generate cycle use and are concerned that the only access to the site will be via the A67 and that the gradient of the site at this access will discourage cycle travel. They suggest that an access on to the A688 be considered as an alternative.
54. *Teesdale School* support the application. They highlight that there is capacity at the school and that the development, including affordable homes will prevent migration away from Barnard Castle, reversing a trend of potential Teesdale School pupils instead attending schools in Bishop Auckland.
55. Letters of objection have been received from 8no. nearby properties, with 1no. letter of support being received.
56. The concerns of local residents relate to the greenfield nature of the site and that there are other more suitable brownfield sites available; that the site lies outside the settlement boundary and that there is no urgent need for the proposed dwellings. Land ownership is queried at the southern boundary of the site and there is concern that the fence would not be stock proof.
57. Further concerns are raised with regards to the level of traffic that exists on the A67 at present and that the development would increase this further, in addition to the proposed road layout being unsafe. Residents also point out that there is no direct bus service to Bishop Auckland. Some residents raise issues with the building materials proposed and also that dormer windows could be installed in the southern elevations of the proposed bungalows, which would compromise the residential amenity of neighbouring properties on Darlington Road. The scale of these bungalows is also questioned with concerns raised with regards to potential overlooking.
58. Other concerns are expressed about the rerouted electricity cable within the site and its impact upon existing trees, as well the landscape impact that would occur as a result of the development, with particular concern being raised to the content of the landscape impact appraisal and with regards to light pollution.

59. Some residents are concerned that the development would lead to a decrease in property values and are furthered concerned that the density of the estate is too high and out of keeping with the surrounding area. Exception is also taken to the applicant's contention that there is wide-scale acceptance and support for the proposal.

#### **APPLICANT'S STATEMENT:**

60. This application is seeking planning permission for 100no. dwellings on approx 5ha of land. The site is not currently allocated for housing development and currently lies outside the development limits of Barnard Castle. However the local plan and the development limits are now out of date and need to be reviewed to allow for future housing and employment needs. This review process is ongoing and there is acceptance in the emerging County Durham Plan and by the Town Council that more housing needs to be built in Barnard Castle if it is to maintain its role as a Main Town in the settlement hierarchy and protect the vitality and viability of existing services.

61. The Development Plan review will take at least another 2 years. There is however already a shortfall in housing land supply in the town and the urgent need for a more immediate 'release of land' for housing development to secure future supply. Failure to address this hiatus immediately will impact adversely on the future vitality and viability of the town and its ability to retain population, especially young families. There is wide scale acceptance and support for the need to grant planning permission for new housing development in and around the town including the fact that it will be necessary to build on Greenfield sites to achieve this objective.

62. The application site North of Darlington Road represents the best and most sustainable potential housing site on the edge of town. It is well located for shops, services, community facilities and existing and proposed employment opportunities. It is also accessible by car, bus, cycling and walking. It will undoubtedly have some impact on views on the eastern edge of town from the north, but these will be less adverse than for most other potential sites around the town identified in the SHLAA. Indeed development in this location will compliment the current pattern and character of development in this part of town.

63. Granting planning permission for housing development on the site complies with planning policy as there is not a five year supply of housing land available in the former Teesdale District area. Overall, there is no reason why planning permission should not be granted for this sustainable development and the County Council should therefore consider this application favourably in accordance with national guidance and its own emerging planning policy.

*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 Spennymoor Council Offices..*

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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64. 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 in this



instance relate to the principle of the development, affordable housing, design and layout of development, residential amenity, sustainability, landscape impact, highway safety and other issues.

#### Principle of development.

65. The site lies outside of the settlement boundary of Barnard Castle as defined in the Teesdale District Local Plan and as a result, the proposal is for residential development in the countryside, contrary to Policies ENV1 and H6 of the Local Plan. The proposal is therefore a departure to the Teesdale District Local Plan and consequently, for this application to be considered favourably, there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.
66. The NPPF at paras.14 and 49 highlights that there is a presumption in favour of sustainable development. With regards to housing delivery, Para.47 states that Local Planning Authorities should maintain a five year housing land supply, as well as a 5% buffer to ensure choice and competition. It further recommends that a buffer of 20% should be maintained where there is a record of persistent underdelivery. Furthermore, the NPPF states that local housing supply policies cannot be considered as being up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites and in those cases consideration should be given to the context of presumption in favour of sustainable development.
67. In considering the local housing figures and land supply context, the RSS still sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
68. The locational strategy for the north east region is set out in RSS Policy 6 and aims to concentrate the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities. Of most relevance, RSS Policy 6 seeks to strengthen Rural Service Centres by allowing development of an appropriate scale in order to meet local needs. The RSS identifies Barnard Castle as a Rural Service Centre where development of an appropriate scale may be allowed.
69. Furthermore, the RSS acknowledges that in the period 2004–2011, 490no. dwellings were required and that in the period 2011–2016 a total of 400 additional dwellings will be required in the Teesdale area. This figure replaces the projections included within the Teesdale District Local Plan itself, which are now out of date. Performance to date suggests there was an undersupply of 75no. dwellings in Teesdale in the period 2004–2011. When the undersupply is combined with projected figures for 2011–2016, this means that 475no. new dwellings should be completed in the Teesdale area before 2016.
70. The Council's SHLAA identifies potential housing sites across the county to meet the identified need and rates them dependant on suitability and deliverability. Within the Teesdale area, 6no. sites are identified as being "green" and potentially suitable for housing development. These sites, are estimated to be

able to provide 309no. dwellings. This is clearly short of the 475no. dwellings required. It is clear therefore that these “green” sites are unable to deliver the required 5 year supply on their own. Other sites, including the application site, are classified as “amber” within the SHLAA, which is to say that they are currently classified as unsuitable for housing, although this may be revisited if sufficient housing supply cannot be demonstrated and if it can be shown that the sites conform to the sequential approach to development set out in RSS Policy 4. The sequential approach requires the applicant to demonstrate why other, more suitable sites cannot be utilised at this time.

71. Only 4no. of the sites identified in the SHLAA lie within the existing settlement limits and are therefore sequentially preferable to the application site. Of these, 1no. (Thorngate) has already been granted planning permission and development is underway. Of the others, the Auction Mart is dependent on relocation, as is the Smiths Grove site. They cannot therefore be expected to come forward in the immediate future. There is a site at Startforth which would appear to be immediately deliverable, however whether this is preferential with regards to sustainability, given its village location in comparison to the proximity of the application site to services and facilities in Barnard Castle, is debatable. A balanced view has been taken that neither site is overwhelmingly preferable over the other and weight must be given to the benefits delivered by the proposed scheme at this time.
72. Regard should also be given to the emerging County Durham Plan and crucially, the issue of prematurity. However, given the limited number of available sites and because the scale of the proposal would amount to less than 25% of the plan total for Barnard Castle, as set out in the County Durham Plan Policy Direction Paper, the Council’s Spatial Policy Team consider that bringing the application site forward now would not undermine the emerging County Durham Plan housing strategy. The issue of prematurity is therefore not a concern. Accordingly, approval of this site now would be unlikely to compromise the ability of other landowners to have their sites considered through the Plan preparation route.
73. Having regards to the above and the evident shortfall in housing land supply, it would appear that there is a strong case in this instance to consider the application site as being suitable for residential development, despite it’s ‘amber’ status in the SHLAA and location outside of the settlement boundary of Barnard Castle. The fact that the site lies immediately adjacent to the development limits of Barnard Castle and the role of Barnard Castle as a major Rural Service Centre, certainly supports the case. However, the issue turns on the wider benefits that the proposal would deliver, the quality of the scheme, the impact on the character of the surrounding area and other material considerations.

#### Affordable Housing and Market Needs

74. The NPPF seeks to secure a wide choice of housing options through new development, whilst the Council’s Strategic Housing Market Assessment (SHMA) has identified that there is a under provision of larger properties in the West of the County.
75. The proposed development provides a mix of 2, 3 and 4 bedroom housing, which has been informed to some extent by the Council’s SHMA. There would be 20no. 2 bed, 17no. 3 bed and 63no. 4 bed dwellings. In keeping with the character of the area, the majority of larger detached properties would be located towards the

south of the site, with a mix of semi-detached and terraced dwellings located further into the site. Importantly, 17 bungalows are included within the development and 30% of the development (30 dwellings) would be offered as affordable housing in a 50/50 split of social rent and discounted sale (secured in perpetuity).

76. Having regards to this, it is considered that the proposed development offers a suitable mix of housing and in particular the provision of bungalows, 10 of which would be affordable. The comments of Barnard Castle Town Council with regards to the number of 3no. bedroom properties proposed is noted, but it is considered that the proposed housing mix would deliver a good range of housing, suitable for the needs of the local market. The need for larger 4+ bed family housing is identified in the SHMA and the amount of this size of housing proposed has been an important factor in the viability of the proposal and to achieving a high quality of proposed development.
77. Policy H14 of the Teesdale District Local Plan seeks a provision of 30% affordable housing on large housing sites and the application accordingly proposes 30no. affordable dwellings in a variety of forms with a split of 50:50 between social rented and intermediate (discounted sale) housing. Whilst this tenure split represents a deviation from the recommendations within the SHMA (which advocates 80% social rented and 20% intermediate housing), Housing Strategy Officers have confirmed that they are satisfied with this tenure split in light of the wider benefits brought about through the delivery of affordable housing and current market needs in the local area. The social rent and discounted sale properties would each comprise of 5no. 2 bedroom bungalows, 5no. 2 bedroom houses and 5no. 3 bedroom houses. The discounted sale housing would be discounted by 30% of open market value and this discount would be secured in perpetuity through a Section 106 Legal Agreement. This particular type of affordable housing would be appealing to young professionals needing assistance in getting on the property ladder and therefore relates well with wider objectives of addressing outward migration of young professionals from the Barnard Castle area. In view of this, it is considered that the contribution this scheme would make toward meeting the housing needs of all sectors of the community should be afforded significant weight in the favourable consideration of this application.

#### Landscape Impact

78. The landscape impact of the development is a key consideration given the location of the site on the edge of Barnard Castle and within an Area of High Landscape Value, where the site is highly visible on the hillside from the A688.
79. The application is supported by a comprehensive landscape impact assessment, which considers the impact of the development from key visual receptors and proposes measures to reduce the impact through the use of appropriate landscaping within and around the site. Photomontages submitted provide an indication of the likely appearance of the development over a period of time after its completion.
80. The Council's Landscape Section are satisfied with both the methodology and findings of the landscape impact assessment. Some elements of the landscaping proposals have been amended at the request of the Landscape Section with regards to specific species to be utilised.

81. It is accepted that the development would be visible within the landscape and it is not the purpose of the landscaping scheme to screen the development in its entirety, as to do so would result in an element of the landscape which is clearly alien. Instead the landscaping proposed would enable the development to be absorbed as far as is reasonably possible into the landscape and reduce its prominence.
82. The comments of the local residents with regards to landscape impact are noted, however, it is considered that the landscape impact assessment and landscaping proposals demonstrate that the development would be able to assimilate into the local environment to an acceptable degree.
83. The application is therefore considered to accord with Policies GD1 and ENV3 of the Teesdale Local Plan, as well as Policy 8 of the RSS.

#### Design and Layout of Development

84. The proposed design and layout is considered to be of a high quality. The proposed layout includes substantial levels of public open space and incorporates a high level of structural landscaping. The entrance to the site would be characterised by a small "orchard", giving way to some of the larger properties on the estate, which would be stone built. The existing large trees in this part of the site would be retained. As a result, it is considered that this part of the estate would assimilate well with the existing character and built form of properties along this section of Darlington Road. Some neighbouring residents have raised concerns that the density of the development is too high, however it is considered that the mix of properties, which includes a large number of detached dwellings and good provision of open space, is appropriate and the proposal represents an efficient use of land. It should be noted that the 100no. Dwellings proposed is significantly less than the 175no. suggested in the SHLAA and also that the density would be lower than that of the existing, neighbouring High Riggs estate.
85. The house types proposed have been chosen to complement the existing surrounding context and would reflect the local vernacular, whilst providing variety across the development. Accordingly, some features, such as window and door styling, head and cill details have been standardised, whilst other features such as roof pitch, door canopies and materials would be varied. The main variation for materials is the roof covering, which would be a mix of reconstituted grey slate, a grey tile and a brown tile. Originally, a terracotta pan tile was proposed, however this has been changed in order to reduce the landscape impact and prominence of the development.
86. Bungalows are proposed directly to the rear of the existing properties on Darlington Road to retain to a certain extent the open outlook of those properties, which due to the topography of the site, would be largely looking over the top of the bungalows. This has been a deliberate and well-considered approach to the site layout and relationship with neighbouring properties.
87. On the whole, a good level of parking provision would either be provided by detached or integral garages, usually located to the side of properties, resulting in a layout that would not be visually dominated by parking.
88. A landscaped footpath would run through the site leading to a grassed swale. The footpath would incorporate seating and outdoor children's activity equipment. This element of public open space would also function as the sustainable drainage system of the estate, providing a holding/soakaway area for surface

water. The swale would be the visual focal point of the development and its dual use as a natural amphitheatre, as well as its drainage function, is an interesting design feature that would contribute to the quality of the environment within the site, as well as to the sustainability credentials of the development. Other public amenity facilities would include 'willow tunnels', 'village green spaces', allotments, a sensory garden, feature mounds, outdoor gym equipment and outdoor barbeques to provide a variety and high quality of open space within the site. It is proposed that all open space, including the community allotment, will be maintained by a management company, therefore the offer from Barnard Castle Town Council to adopt these areas is noted but not required. Because of the amount of high quality open space to be provided within the site and that the Council will not be expected to maintain it, it is considered that there is no requirement in this instance to provide a financial contribution for offsite recreation, public amenity facilities, or maintenance.

89. The proposal is therefore considered to represent a high quality example of a housing proposal of this size and is considered to accord with the good design principles contained within the NPPF, as well as Teesdale Local Plan Policies GD1 and H12. The quality of the proposed development also carries weight in the favourable consideration of this application.

#### Residential amenity

90. The proposed layout exhibits adequate separation between properties in all instances with a minimum of 21m between facing habitable elevations and 13m between facing elevations and blank gables. With regards to existing properties, it is noted that the distance between the rear elevation of the proposed bungalows and the rear elevations of properties on Darlington Road varies between 43m and 47m, far in excess of the normal expectation of 21m. Furthermore, the local topography means that properties on Darlington Road would have views largely over the roofs of these bungalows.
91. The points raised by residents with regards to the removal of permitted development rights to install dormer windows in the rear roof slopes of the bungalows to be located behind the properties along Darlington Road are noted, however, given the separation distances involved, it would be unreasonable to remove permitted development rights in this respect.
92. To the north of the site are 2 no. existing industrial uses which are a haulage/skip hire business and a haulage/salvage yard. At least one of the businesses is known to use a crushing machine and it is not uncommon for vehicles to leave the site at an early hour.
93. The applicant has submitted a noise impact assessment to assess the potential noise impact on the proposed dwellings in close proximity to these businesses. The impact assessment concludes that the levels of noise likely to be experienced would not be so high so that they could not be successfully mitigated against. Mitigation is proposed in the form of an acoustic bund to the north of the site and the properties at this part of the site have been orientated with gables facing to the north. Where necessary, enhanced double glazing will also be utilised.
94. The Council's Pollution Control Team have considered the information supplied and have no objection to the application on an amenity basis.

#### Sustainability

95. The applicant has sought to achieve a Code for Sustainable Homes Level 3 standard; however issues with the adoption of the sustainable drainage system would prevent the issuing of a Code Level 3 certificate. Nevertheless, the sustainability credentials of the scheme would still be high and at a Code Level 3 standard, apart from the drainage. Measures proposed to achieve this include energy conservation, water conservation including the provision of water butts, appropriate materials which have responsibly sourced, including the use of local stone, waste management, including the provision of composting facilities and management of waste generated during construction.
96. Therefore, although a Code Level 3 certificate could not be issued, the Council's Sustainability Officer is otherwise satisfied with the sustainability measures proposed and it is recommended that a suitably worded condition be attached in order to secure a minimum number of Code Level 3 points in lieu of a Code Level 3 Certificate being issued. The application is therefore considered to be acceptable and in accordance with Policy 38 of the RSS in this regards. Again, this carries some weight in favour of the principle of development on the site.

### Highways Issues

97. The site, although located on the edge of Barnard Castle, is considered to be in a sustainable location with access to two main roads and local bus services. As a Rural Service Centre, Barnard Castle has a good range of local services and shops, which are within reasonable walking and cycling distance.
98. The capacity of local roads and the safety of the site access have been questioned by several objectors. The County Highway Authority have considered these issues along with the supporting transport statement and have concluded that the A67 and A688 roads have sufficient capacity to accommodate the additional traffic that would be generated by the proposal. Furthermore, they consider that the proposed site access would be in a safe location and of an appropriate specification, in accordance with the County Council's requirements.
99. The issues raised by Bishop Auckland Cycling Club are noted; however it is considered that the topography of the site would always lead to a certain amount of climbing in order to facilitate an exit from the site. Whilst an alternative cycle access to the A688 would perhaps be desirable, it is difficult to see how this could be accommodated without interference to the proposed landscaping or acoustic bund, and is also unlikely to be achievable because of land ownership. Sufficient visibility would exist at the site access to allow cyclists to consider any potential danger before crossing without the need for a more substantial traffic island.
100. Consideration should be given to NPPF para.32 which states that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. It is considered that in this instance any impacts would not be severe and it would therefore be unreasonable to resist the application on this basis. It is further considered that the application is in accordance with Policy 7 of the RSS and Policy T1 of the Teesdale District Local Plan.

### Other Issues

101. Policy ENV12 of the Teesdale District Local Plan seeks to protect the best and most versatile agricultural land. Although the site is currently subject to arable farming, it has been confirmed by the applicant that the site is currently

considered to be Grade 3b agricultural land and therefore cannot be considered to be amongst the best or most versatile land.

102. With regards to the protection of existing trees and hedgerows, it is considered that the highest value of these can be largely incorporated within the development. The arable nature of the field means that there are only a small number of mature trees on the site at present and these are shown to be retained. The existing hedgerows to the rear of properties on Darlington would be retained and the rear garden fences of the proposed bungalows would be set wholly within the development site, acknowledging that the existing hedgerows do not necessarily mark the extent of land ownership.
103. The proposed power cable would be accommodated underground, replacing the existing overhead arrangement. The cable would take a route around the edge of the site and as a result, in some areas, would pass close to existing trees and hedges. Where this would occur, the applicant has indicated that appropriate hand-digging excavation measures would be utilised in order to prevent damage to the trees.
104. With regards to water quality and flood risk, a sustainable drainage system is proposed and a flood risk assessment has been carried out. No concerns are raised with regards to these matters by the Environment Agency or Northumbrian Water.
105. Turning to potential archaeological interest, the applicant has provided an archaeological desk based assessment and full geophysical survey of the site. Although the site lies potentially close to the route of a former Roman road, the geophysical survey suggests that there are no insitu remains of interest within the site. The County Archaeologist has appraised this information and considers that no further archaeological investigation work is necessary.
106. Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats. However, conditions have been requested which would mitigate the loss of any ecological habitats. This would include retention of hedgerows and landscape planting and further checking for protected species prior to development commencing.
107. Issues concerning impact upon property values are considered not to be material planning considerations. Furthermore the relevance of the reference by an objector to the hedgerow to the rear of properties on Darlington Road not being stockproof is unclear in the context of the residential development proposed.

## Conclusions

108. The NPPF at paras.14 and 49 highlights that there is a presumption in favour of sustainable development, although an up-to-date development plan still forms the starting point for the consideration of applications.
109. Due to the inability of the County Council to demonstrate a five year housing land supply for the Teesdale area, as well as a lack of suitable, sequentially available sites, it is considered that the approval of this application would not prejudice the housing strategy in the emerging County Durham Plan. The presumption in favour of sustainable development should therefore be given weight in this instance.

110. In this respect it is considered that the application site is appropriately located in relation to shops and services in Barnard Castle and has good road links to Bishop Auckland, Darlington and further afield. The development would be of a high quality, incorporating large elements of public open space, and would deliver a good range of housing, including much need affordable housing and bungalows. It would also be built to an equivalent of Code for Sustainable Homes Level 3.
111. The proposal would therefore represent a sustainable form of development and although strictly a departure from the Development Plan, it is considered that in this instance there is a clear and demonstrable case for allowing the development of this site at this time. The benefit to the community in terms of affordable housing in particular carries significant favourable weight.
112. It is therefore considered, that on balance, the proposal accords with the objectives in the NPPF and RSS policies 4, 6, 10 and 29 to locate an appropriate amount of housing, which meets the needs of all sectors of the community, in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure. The high quality of the design and layout, relationship with the surroundings, and sustainability credentials of the proposal would also be in accordance with Teesdale Local Plan Policies GD1, ENV3, ENV15, H12 and RSS policies 8 and 38.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the applicant first signing a Section 106 Legal Agreement to secure a scheme for the provision of 30. affordable dwellings and subject to the following conditions and reasons;

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

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

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

Plan Reference Number:	Date received:
Site Location Plan	6 <sup>th</sup> February 2012
Preliminary Engineering Plan 001/3	13 <sup>th</sup> February 2012
Estate Layout 1N/HRIGG/SK-01 Rev A	23 <sup>rd</sup> April 2012
Landscape Proposals no.2553.10	13 <sup>th</sup> February 2012
Detailed Landscape Plan 1 of 7 no.2552.03 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 2 of 7 no.2552.04 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 3 of 7 no.2552.05 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 4 of 7 no.2552.06 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 5 of 7 no.2552.07 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 6 of 7 no.2552.08 Rev A	2 <sup>nd</sup> May 2012
Detailed Landscape Plan 7 of 7 no.2552.09 Rev A	2 <sup>nd</sup> May 2012
Streetscene Elevations BARN/PL/20:01	13 <sup>th</sup> February 2012
Downham Elevations PD/49/3/PL2	13 <sup>th</sup> February 2012
Downham Plans PD/49/3/PL1	13 <sup>th</sup> February 201



AA31 3 Bed House AA31/3/PL2	13 <sup>th</sup> February 2012
AA31 3 Bed House AA31/3/PL1-A	13 <sup>th</sup> February 2012
AA21 2 Bed House AA21/PL1-A	13 <sup>th</sup> February 2012
AA21 2 Bed House AA21/PL2-A	13 <sup>th</sup> February 2012
Sherbourne Elevations SHERB/PL3	13 <sup>th</sup> February 2012
Sherbourne Elevations SHERB/PL2	13 <sup>th</sup> February 2012
Sherbourn Plans SHERB/PL1	13 <sup>th</sup> February 2012
Midhurst Elevations MIDHUR/PL2	13 <sup>th</sup> February 2012
Midhurst Plans MIDHUR/PL1	13 <sup>th</sup> February 2012
Malbury Elevations MALBURY/PL3	13 <sup>th</sup> February 2012
Malbury Elevations MALBURY/PL2	13 <sup>th</sup> February 2012
Malbury Plans MALBURY/PL1	13 <sup>th</sup> February 2012
Heydon Elevations HEYDON/PL2	13 <sup>th</sup> February 2012
Heydon Plans HEYDON/PL1	13 <sup>th</sup> February 2012
Alverton Elevations ALVERTON/PL2	13 <sup>th</sup> February 2012
Alverton Plans ALVERTON/PL1	13 <sup>th</sup> February 2012
Bungalow 02 Elevations BUNG02/PL3	13 <sup>th</sup> February 2012
Bungalow 02 Elevations BUNG02/PL2	13 <sup>th</sup> February 2012
Bungalow 02 Plans BUNG02/PL1	13 <sup>th</sup> February 2012
Bungalow 01 Elevations BUNG01/PL2	13 <sup>th</sup> February 2012
Bungalow 01 Plans BUNG01/PL1	13 <sup>th</sup> February 2012
Garages GARAGES/PL1	13 <sup>th</sup> February 2012
Enclosure Details 1N/HRIGG/SK-03	13 <sup>th</sup> February 2012
Long Section through Development 1N/HRIGG/SK-13	13 <sup>th</sup> February 2012

*Reason: In order to secure a satisfactory form of development in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

3. Prior to occupation of any dwelling hereby approved full engineering details shall be submitted for approval of the A67 highway works associated with the development, including bus service infrastructure. Such details shall be fully implemented prior to occupation of any dwelling.

*Reason: In the interests of highway safety and in accordance with Policies GD1 and T1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall include how the scheme shall be managed and maintained for the design life of the site.

*Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policies GD1 and ENV17 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

5. No development shall take place unless in accordance with the mitigation detail within the report "Extended Phase 1 and Protected Species Survey, E3 Ecology Ltd (February 2012)" including, but not restricted to Undertaking a badger checking survey at least 2 months prior to any works commencing on site; use of best practice working methods in order to reduce any impacts on foraging/commuting badgers (as detailed in the ecological report); vegetation clearance to be undertaken outside of the bird breeding season (March to August

inclusive) and provision of 10 bat boxes and 15 bird boxes within the retained trees on site (as detailed in the *Landscape Masterplan* drawing no: 2553.02 Rev A).

*Reason: In the interests of the conservation of protected species in accordance with the provision of the National Planning Policy Framework*

6. No construction works, including excavation, building and any delivery of equipment or materials shall take place outside the hours of 07:30 to 18.00 Monday to Friday, 08.30 to 14.00 on Saturdays and not at all on Sundays or Bank Holidays.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

7. During the course of construction, no waste materials shall be burned on the site.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

8. All dwellings hereby approved shall achieve a minimum point score of 57 against the Code for Sustainable Homes assessment methodology. Prior to commencement of development, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate how the dwellings will achieve a minimum point score of 57 against the Code for Sustainable Homes assessment methodology. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: In the interests of sustainability in accordance with the National Planning Policy Framework.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected beyond the forwardmost wall of any dwelling that fronts onto a highway.

*Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with policies GD1 and H12 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H12 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with Tree Protection Plan TPP-B and the All About Trees Arboricultural Impact Assessment received 13<sup>th</sup> February 2012. All installed protection measures shall remain in situ until the development is complete.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

12. Any excavation that is required within the root protection area of existing trees as identified on drawing TPP-B shall only be carried out by hand digging.

*Reason: In the interest of the health and amenity value of existing trees in accordance with Policy ENV10 of the Teesdale District Local Plan 2002 (as saved and amended)*

13. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) the proposed garaging facilities shall at all times be retained for the parking of motor vehicles and shall not be used for or converted into habitable residential living accommodation.

*Reason: In the interests of highway safety and in accordance with Policy T2 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

14. Wheel washing equipment shall be provided and retained at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works throughout all development activities on any part of the site.

*Reason: In the interests of highway safety and amenity and in accordance with policy GD1 of the Teesdale District Local Plan 2002 (as Saved and Amended).*

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## **REASONS FOR THE RECOMMENDATION**

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1. The development represents an acceptable use of the land in principle with no harm caused to the character or appearance of the area, the amenity of adjacent occupiers, highway safety or protected species. The development is considered to accord with relevant Policies GD1, ENV3, ENV8, ENV10, ENV12, ENV15, ENV17, BENV11, H1A, H6, H12, H14 and T2 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through the Conservation of Habitats and Species Regulations 2010.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.

2. Although the proposal represents a departure from the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 it is considered that there is a clear and demonstrable case for allowing this development.
3. The objections and concerns raised by local residents have been discussed and assessed within the report and officers consider the impacts of the revised development remain acceptable, in accordance with the provisions of the Development Plan and NPPF.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Teesdale District Local Plan as amended by Saved and Expired Policies September 2007
- National Planning Policy Framework.
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East
- Strategic Housing Market Assessment
- Strategic Housing Land Availability Assessment
- County Durham Plan Policy Direction Paper
- Assessing Development Proposals in a changing National Planning system - Council Policy Position Statement