

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0026/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for residential development (all matters reserved except for access)
NAME OF APPLICANT:	Ministry of Justice
SITE ADDRESS:	Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Adrian Caines 03000 263943 adrian.caines@durham.gov.uk

BACKGROUND

1. The outline application for residential development on the site (up to 75 dwellings) was presented to the South West Area Planning Committee on 20 June 2013.
2. Members resolved to grant outline planning permission subject to the signing of a Section 106 legal agreement requiring:
 - i) the provision of 25% affordable housing;
 - ii) the payment of £55,500 towards local public transport service improvements;
 - iii) the payment of £4,000 towards maintenance costs of the open space on site.
3. The S106 has yet to be signed, but the applicant is committed to signing the agreement and has interest from one of the main house builders, subject to resolving an issue with the affordable housing requirement, which is the subject of the proposal in this report.

THE PROPOSAL

4. The applicant is seeking to reduce the affordable housing requirement from 25% to 15%. This would mean a potential reduction in affordable housing units of 7 from 18 to 11.
5. The reason for seeking the reduction in the affordable housing requirement is based upon emerging changes in policy contained within the Submission Draft of the County Durham Plan and the evidence base supporting the affordable housing requirements within the Plan.

6. The proposal is being referred back to the Committee because it would change the wording of the Committee resolution of June 2013, which included reference to 25% affordable housing.

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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.
8. The NPPF emphasises in paragraph 47 that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the market area.
9. Paragraph 204 states planning obligations should only be sought where they meet the tests of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
10. Paragraph 205 states that where obligations are being revised, local planning authorities should take into account changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

LOCAL PLAN POLICY:

11. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this proposal:

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 in housing developments.

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.cartoplus.co.uk/durham/text/00cont.htm>.

EMERGING POLICY:

12. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections

to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Submission Draft are relevant:

Policy 31 (Addressing Housing Need): Sets thresholds of the number of affordable housing units required for each of the Delivery Areas. In the case of West Durham, the percentage of affordable housing units is 15%.

CONSULTATION RESPONSES

STATUTORY RESPONSES:

13. *None*

INTERNAL CONSULTEE RESPONSES:

14. *Spatial Policy Team* - On the basis that the updated SHMA represents the most up to date evidence upon which the affordable housing targets in Policy 31 (Addressing Housing Need) were derived, we are relatively comfortable for the affordable housing provision within this s106 agreement to be amended to align with the current draft policy requirement of 15%.

PLANNING CONSIDERATIONS AND ASSESSMENT

15. This is not a report to reconsider the merits of the housing scheme as that has already been judged to be acceptable as set out in the previous committee report of 20 June 2013, which has been attached as an appendix to this report. The aim of this report is to consider the acceptability of the proposal to reduce the affordable housing requirement in the Section 106 Agreement from 25% to 15%.

16. As long as the S106 agreement is unsigned, the application remains under consideration and it is therefore appropriate to give regard to any material considerations and the up to date planning policy position.

17. In considering the merits of this proposal, it is noted that there has been a material change in circumstances since the application was initially considered in that the emerging County Durham Plan is at a much more advanced stage following its submission for examination. Policy 31 of the Submission Draft of The Plan addresses housing need within the County and sets out the number of affordable units to be sought dependent upon which of the five delivery areas the site is located within. The application site is located within West Durham where the requirement in the policy is 15% affordable units based on the 2013 Strategic Housing Market Assessment update (SHMA), which forms part of the evidence base for the Submission Draft of the County Durham Plan and post dates the previous committee resolution. The affordable housing targets within the policy are therefore justified by an up to date evidence base of local housing need as required by NPPF paragraph 47. The policy therefore has a high degree of consistency with the NPPF and given the advanced stage of the NPPF, the policy can be given greater weight.

18. It should be noted that Teesdale Local Plan Policy H14 (Affordable Housing Need) does not itself set a particular figure for affordable housing, but rather suggests the affordable housing requirement should be based on a needs assessment of the District. The previous affordable housing requirement of 25% was based on a now out of date Teesdale Housing Needs Assessment, which has been superseded by the 2013 SHMA. The 2013 SHMA does not support a 25% affordable housing requirement. The proposal for 15% affordable housing, being based on an up to date evidence base, would still therefore comply with Teesdale Local Plan Policy H14.
19. It would therefore be unreasonable to continue to insist on 25% affordable housing in this development proposal as the requirement would not be fairly and reasonably related in scale and kind to the development as required by NPPF paragraph 204, or accord with NPPF paragraph 47.
20. In addition, NPPF paragraph 205 suggests local planning authorities should be flexible when considering revisions to obligations (S106 agreements) to prevent planned development being stalled. This site has already been identified as an important short term development site that would play a strategic role in contributing to the Council's identified 5 year housing supply. Other development proposals coming forward in the area are now being subjected to the 15% affordable housing requirement so there is a risk that retaining a 25% requirement could delay the proposal coming forward in the short term and impact on the Council's housing delivery targets and 5 year land supply.
21. It is therefore considered that the proposed reduction in the affordable housing requirement to 15% is in accordance with the requirements of the NPPF, emerging policy 31 of the County Durham Plan Submission Draft and remains in accordance with Teesdale Local Plan Policy H14.
22. The contributions towards public transport improvements and open space maintenance, as well as all other aspects of the outline development proposal remain unaffected.

CONCLUSION

23. The proposed reduction in the affordable housing requirement to 15% is based on the most up to date evidence base of affordable housing need for the West Durham delivery area and is therefore in accordance with the requirements of the NPPF, emerging policy 31 of the County Durham Plan Submission Draft and remains in accordance with Teesdale Local Plan Policy H14.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure

- a) the provision of 15% affordable housing;
- b) the payment of £55,500 towards local public transport service improvements;
- c) the payment of £4,000 towards maintenance costs of the open space on site;

And subject to the following conditions below as set out in the original report:

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

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

2. Approval of the details of appearance, landscaping, layout and scale (herein called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Where relevant, the reserved matters submissions shall provide details of the following:

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 75;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- d) Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) All boundary enclosures;
- f) Existing and proposed ground and floor levels;

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and ensure that a satisfactory form of development is obtained.

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

Plan Ref No.	Description	Date Received
C9445.11.701 A	Site Location Plan	11/02/2013
Figure 9	Site Access Layout	11/02/2013

Reason: To define the consent.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or

become seriously damaged or diseased 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 policy GD1 of the Teesdale District Local Plan.

5. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies GD1 and ENV3 of the Teesdale District Local Plan.

6. No development shall take place until all details of means of enclosure have been submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

7. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by Watermans dated January 2013 and the mitigation measures in the Flood Risk Assessment which details limiting the surface water run-off generated by the site to the existing Greenfield run off limits. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policy GD1 of the Teesdale District Local Plan.

8. No development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourse has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To protect the environment along the watercourse and to comply with policy GD1 of the Teesdale District Local Plan.

9. Prior to the occupation of the dwellings hereby approved, the existing junction with the A67 shall be constructed in accordance with Figure 9 of the Transport Assessment by Watermans dated February 2013.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

10. Prior to the occupation of the dwellings hereby approved, full details of bus stop infrastructure improvements within and external to the site, including a bus turning facility within the site, shall be submitted to and agreed in writing by the

local planning authority and the agreed improvements shall be fully implemented and available for use.

Reason: In the interests of highway safety and to encourage sustainable modes of travel and to comply with policy GD1 of the Teesdale District Local Plan.

11. No development shall take place until full engineering details of the internal road layout, including vehicle swept path details and any areas of roads to be of adoptable standard have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

12. Prior to the occupation of the dwellings a final residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. Once approved the Travel Plan shall be implemented and managed for the lifetime of the development.

Reason: To encourage sustainable modes of travel to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and criteria within the NPPF.

13. No development shall commence until a scheme showing full drainage details of the site has been submitted to and agreed in writing by the local planning authority. The drainage shall be completed in accordance with the approved details.

Reason: To prevent flooding and pollution of the water environment in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

14. No development shall commence until a scheme to minimise energy consumption has been submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the National Planning Policy Framework.

15. No development shall take place unless in accordance with the mitigation, recommendations and conclusions within the Ecological Appraisal dated January 2013 by URS.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and to ensure the development delivers wider public benefits.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
Consultation responses



Planning Services

Outline application for residential development (all matters reserved except for access) at Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham (6/2013/0026/DM/OP)

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APPENDIX

Committee Report of 20 June 2013

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0026/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for residential development (all matters reserved except for access)
NAME OF APPLICANT:	Ministry of Justice
SITE ADDRESS:	Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Chris Baxter 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

24. The application site measures 2.6 hectares and is located to the south of Her Majesty's Young Offenders Institute (HMYOI) Deerbolt in Startforth Park at Barnard Castle. The boundary of the Deerbolt site is directly to the north with an existing residential estate to the west and the A67 Bowes Road to the south. Agricultural fields are located beyond the A67. The residential estate to the west was formerly Prison Officer accommodation but is now in private ownership. This residential estate is accessed via a road which runs through the application site. Part of the site is brownfield land as there are some existing buildings on the site, but they are proposed to be demolished as part of the development. The site falls just beyond the development limits for Barnard Castle as defined in the Teesdale Local Plan and is located within an Area of High Landscape Value.

The Proposal

25. Outline planning permission is sought for residential development of approximately 75 dwellings with all matters reserved for future consideration with the exception of access, which is to be considered under this application. The existing access road is proposed to be utilised as the access into the

development. The access is proposed to be improved to increase the visibility splays.

26. The application is supported by various documents and assessments including an indicative masterplan which shows how the general layout of the site can be mapped out to accommodate 75 dwellings and a recreation area. The masterplan shows a main spine road running through the site linking the A67 with the existing residential estate to the west. Residential properties would be located either side of the spine road with landscape and recreation areas mixed with the housing. The masterplan shows substantial landscaping treatment along the north boundary of the site with the Deerbolt complex.

27. This application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

28. There is no recent planning history on this site relevant to the determination of this application.

PLANNING POLICY

NATIONAL POLICY

29. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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.

30. The NPPF emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development and proposals should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, while also recognising that good design is a key aspect of sustainable development and is indivisible from good planning.

LOCAL PLAN POLICY:

31. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

- *Policy GD1 (General Development Criteria)*
- *Policy ENV1 (Protection of the Countryside)*
- *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value)*
- *Policy ENV15 (Development Affecting Flood Risk)*
- *Policy H1A (Open Spaces Within Developments)*
- *Policy H12 (Design)*

– *Policy H14 (Provision of Affordable Housing within Developments)*

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Coal Authority* has not raised any objections.
33. *Highways Authority* is satisfied that the highway network external to the site can accommodate the estimated net generated traffic. To serve the proposed dwellings the internal road system will have to be improved to an adoptable standard including widening and new footway, and bus turning facility, etc.
34. *Environment Agency* has no objections to the proposals providing conditions are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment; and a scheme is submitted which provides a buffer zone around the watercourse.
35. *Startforth Parish Council* has not raised any objections.
36. *Barnard Castle Town Council* has indicated that no objections are raised. Points have been raised requesting that the existing highway for Startforth Park should be fully adopted; consideration should be given to the provision of bungalows; 30% of the proposed dwellings should be affordable; and acknowledgement that there is a lack of public transport services in the area.

INTERNAL CONSULTEE RESPONSES:

37. *County Spatial Policy Team* has recommended that the proposal is given support as a departure to the Teesdale District Local Plan as the scheme meets the requirements of the current and emerging planning policy framework and to paragraph 54 of the NPPF with the provision of market and affordable housing units. The application also consolidates the built up form of the settlement in respect to the current divorced residential estate.
38. *County Ecology Section* raises no objections to the proposed development. A condition is requested for the mitigation methods within the ecology survey to be adhered to.
39. *County Sustainability Section* have stated that consideration should be given to additional provision and/or additional investment to bus services which currently score poorly in relation to frequency of service and linkage to main centres, and a condition should be imposed ensuring that a scheme to minimise energy consumption is submitted.

40. *County Design and Conservation* have indicated that there are no designated and non designated heritage assets identified within the proposed site boundary, but the site, given its position alongside the A67 Bowes Road can be considered to be within the setting of the designated Barnard Castle Conservation Area and also the setting of the scheduled monument of Barnard Castle. As the scheme is yet to be fully designed it is not possible to fully consider its impact at present. Through the appropriate and creative use of quality design it is considered that any impact can be appropriately mitigated and this should be addressed in any future detailed application.
41. *County Landscape Section* has not raised any objections. The invitation to comment at this stage is an opportunity to emphasise the importance of providing generous and robust landscaping along the A67 frontage. The building line shown on the masterplan is currently too close to the Bowes Road and it is recommended that 5 metre building re-alignment is made with the retention of the mature birch trees.
42. *County Public Transport Section* has indicated that the level of housing proposed would require improvements to local bus services serving the site. These improvements would have to include the following requirements:
- Increase of bus services on school days, afternoons and Saturdays;
 - Introduction of a formal bus turning area and bus shelter within the site;
 - New bus stop on the A67 westbound.
43. *County Tree Officer* has raised no objections.
44. *County Public Rights of Way Section* has no raised any objections.
45. *County Archaeology Section* has not raised any objections to the principle of development.
46. *County Education Section* has not raised any objections.

PUBLIC RESPONSES:

47. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 12 letters of objection have been received. A petition with 45 signatures has also been received from the Startforth Park Residents Association objecting to the proposals.
48. Concerns have been raised with regards to highway issues, including that the access would be dangerous with the increase in traffic resulting from the proposed development. The bus service is currently poor and the potential bus turning area would replace some of the open space recreational area. It has been questioned whether access will be maintained during construction and also concerns are raised over there being no access for emergency vehicles. A number of objectors have also requested that the existing estate road within Startforth Park should be fully adopted.
49. There are other concerns that there could be security and noise issues with residential properties being close to the HMYOI and also concerns about the

impact of the development on existing residential properties in term of loss of privacy, loss of light and restriction of access to neighbours' boundaries.

50. One objection considers the development would not protect and enhance the natural and historic environment and would not preserve the quality and character of the countryside and existing communities.
51. Issues have been raised in relation to the lack of infrastructure to support the development, which includes the lack of employment opportunities in Barnard Castle, the lack of utility services in and around the application site, and whether there is sufficient capacity in local schools to accommodate the development.
52. Flooding and surface water run off concerns have been raised and the loss of the open space and recreational land is considered unacceptable.
53. Questions have been raised about the demand for new housing and whether a retail supermarket would be more beneficial on this site.
54. Although devaluation of existing properties has been raised by a number of objectors, this is not a material planning consideration to which weight can be afforded in the determination of the application.

APPLICANTS STATEMENT:

55. This outline planning application has a close correlation with national and local planning guidance.
56. The application site is very well related to the surrounding areas of Barnard Castle and Startforth and associated services and amenities. The site is situated in a sustainable location with local services and community facilities being readily accessible by sustainable modes of transport.
57. The scheme has been informed by consultation with both the community and wider important stakeholders, wherever possible the views of the community have been listened to and responded to in the proposals.
58. It is considered by the Ministry of Justice that this application and its supporting documents provide evidence that the site can be developed without any demonstrable harm to issues of acknowledged importance but at the same time provide a high quality residential development that has a high regard for the existing pattern and character of development.
59. This site has an extensive positive planning context, from which it is possible to summarise that this site:
 - Represents a suitable option for the re-use of a previously developed (brownfield) site where the proposals are not constrained by any identified Transport, Flood Risk, Ground Contamination, Arboricultural, Archaeological or Ecological issues;
 - Presents a suitable location for residential development well related to the wider built framework / development limits;
 - Is situated in a sustainable location;

- Presents an acceptable opportunity for the development of approximately 75 new dwellings, as recognised by the emerging County Durham Plan;
- Provides the opportunity to deliver a significant proportion of affordable housing stock to the Town;
- Secures the long term retention of a recreation area for the local community;
- Provides the opportunity to support public transport provision in the area through support to an existing bus service and the inclusion of a bus turning area within the site;
- Has been identified as suitable for residential development in a previously published Urban Capacity Study;
- Represents a recognised and supported development by Barnard Castle Vision; and,
- Has been identified as suitable in the latest review of the SHLAA document.

60. In accordance with the guidance prescribed by the National Planning Policy Framework, where proposals accord with wider development plan policies accordingly planning permission should be granted for development “without delay”. It is concluded that in terms of the application site, this presumption should apply and permission should be granted with appropriate conditions.

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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/F>
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PLANNING CONSIDERATIONS AND ASSESSMENT

61. 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 residential development of the site, highway and access issues, affordable housing and section 106 contributions, impact on the surrounding area and other issues.

Principle of residential development of the site

62. 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 H3 and ENV1 of the Teesdale 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.

63. The NPPF is an important material consideration in the determination of this application. The NPPF seeks to significantly boost the supply of housing and local planning authority's are expected to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities which meet local requirements and demand. In this respect, the development of new homes within the Barnard Castle area, which is

identified by the Council as an area for growth, would help to sustain the vitality and viability of Barnard Castle as the main town in the west of the County.

64. The NPPF in 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 under delivery.
65. The application site is included in the 'Preferred Options' of the emerging County Durham Plan as a housing allocation to accommodate 75 dwellings. The County Durham Plan is unlikely to be adopted before 2014 and whilst significant material weight cannot be attributed to the Plan in view of its current status, it nevertheless indicates that the Council has agreed in principle to the concept of residential development on the site and that the dwellings proposed would play a strategic role in contributing to the Council's identified 5 year housing supply.
66. In a difficult economic climate, the contribution of the development to identified local needs would be material to the consideration of the proposal, as this might present an opportunity to facilitate the delivery of a range of benefits that would otherwise not be delivered. In this case, it is considered that the proposed development would help to meet current housing needs and contribute to improved facilities in the locality, while also helping the economy with related construction jobs. The proposal would also offer improved bus services, and consolidated recreational areas. In addition, 25% of the dwellings to be constructed on the site would constitute affordable housing, in accordance with the current Strategic Housing Market Assessment (SHMA) requirement.
67. There has been some local objection, nevertheless, many of these concerns are related to specific details of the proposals which either have been or can be addressed through the detailed design of the scheme.
68. Locationally, the site can be considered detached from the main area of Barnard Castle because of the geographical terrain. However the shops and services in Barnard Castle are just 1 mile walking/cycling distance from the application site, and Barnard Castle and the surrounding area offers a wide range of services, facilities and employment. There are currently bus services which serve this area however, the Public Transport Section have identified a need for improvements as a result of this proposal. Accordingly, there is a developer commitment to provide improved bus services to the site to help make the development more sustainable, which would be covered in a proposed Section 106 agreement. In physical terms, with the existing Startforth Park housing estate to the west of the site and the HMYOI to the north, in addition to being partly previously developed, the proposals would not encroach into the open countryside and would consolidate the existing built environment in the Startforth area. The site is therefore considered to be a sustainable location for the scale of development proposed and accords with the aims of the NPPF to promote sustainable patterns of development.
69. Given the above, and subject to addressing detailed issues and concerns that are discussed below, it is considered that the proposal would offer benefits that would justify a departure from Policies H3 and ENV1 of the Teesdale Local Plan,

and would accord with the aims of the NPPF to promote sustainable patterns of development.

Highway and access issues

70. The capacity of the local road network and the safety of the site access have been questioned by several objectors. The County Highways Authority has considered these issues along with the supporting transport statement and has concluded that the existing highway network can adequately accommodate the proposed development and the extra traffic which would be generated. The access into the site is proposed to be improved and widened allowing for improved visibility splays. The Highways Authority have raised no objections to the proposed access improvements and therefore it is considered that the matter of access would be acceptable and would not compromise highway safety.
71. As the application is submitted in outline there are no specific details in terms of estate layout, adoption, parking etc; and these would be dealt with at a reserved matters stage. The illustrative masterplan shows a spine road running through the site which would also access the existing Startforth Park housing estate, as it does at present. This road would be made to adoptable standard however the highway adoption would stop at the entrance to the Startforth Park estate. Residents of the Startforth Park estate have requested that their estate roads should also be upgraded to adoption standard as part of the proposal. However, given the Startforth Park housing estate is in private ownership and beyond the red line boundary of this application, it would not be possible to insist on the upgrade of the roads in that existing housing estate. In addition Circular 11/95: Use of Conditions in Planning permission stresses that conditions should only be imposed where they are necessary and reasonable for the development to be permitted and do not place unjustifiable burdens on applicants. In considering whether a condition is necessary authorities have to ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. In this case it is considered that the proposal could not be refused if it did not include upgrading of the roads in the Startforth Park estate and therefore any request for those works to be carried out would not meet the tests of Circular 11/95.
72. In addition to financial contributions to bus service improvements, the Public Transport Section have also indicated that a bus turning area with bus shelter within the site, as well as a new bus stop on the A67 westbound would be required. This is necessary to improve accessibility to the site and therefore a condition is recommended to ensure these requirements are provided.
73. In view of the above, it is considered that the proposed development would be served by a suitable access, and the surrounding highway network can accommodate the additional traffic. The proposals would not, therefore, compromise highway safety. The proposed development is considered to promote sustainable modes of transport as existing public transport services are to be improved. It is therefore considered that the proposed development would be in accordance with policies GD1 of the Teesdale local plan.

Affordable housing and other section 106 contributions

74. Teesdale Local Plan Policy H14 states that the local planning authority will seek to negotiate an element of affordable housing based on need. This is consistent with Paragraph 50 of the NPPF which recognises that affordable housing contributes to widening opportunities for home ownership and the objective of creating mixed and balanced communities. The Durham County Strategic Housing Market Assessment (SHMA) states that the target for the Barnard Castle area is to provide 25% affordable housing within proposed residential schemes. The applicant has indicated that it is the intention to provide 25% affordable housing on this site, which would be secured by way of a Section 106 legal agreement. The specific details of the affordable housing provision would be agreed through the completion of the Section 106 agreement. It is therefore considered that the proposed development would provide a mix of housing which would support the local community needs.
75. There have been objections to the loss of recreational opportunities that are currently possible on the site (informal play and dog walking). It is accepted that the site has been utilised as recreation space for local residents however, this land is private land, not formal open space and access to the land could be restricted at any time. The illustrative masterplan identifies that part of the existing open space area will be incorporated into the site as a recreational area, which would retain and secure for the future a level of open space for community use. It is also proposed that a financial contribution of £4,000 will be made towards maintenance of the open space for 10 years, which would be secured through a Section 106 agreement. The proposal is therefore considered to be in accordance with Teesdale Local Plan policies GD1 and H1A, as well as Section 8 of the NPPF.
76. The site currently has a bus service of 5 buses per day, Monday-Friday, all between school times; plus two buses per day pass on the A67 (westbound -only, as the bus comes back from Bowes via Boldron and Boldron Lane). There is also an hourly service at the stop on the B6277 at the bottom of Startforth, which is some 720m from the entrance to the site, and hence beyond the recognised walking distance used in assessing accessibility.
77. This level of service is somewhat less than DCC is seeking for new housing sites in the rural west area. To ameliorate this, s.106 funding is required to improve the local bus service serving the site. The Public Transport Section have calculated that a sum of £55,500 will be required to bring the service to the required standard. This improved bus service would not only be beneficial to future residents of the proposed site, but also to existing residents in the area.

Impact on the surrounding area

78. The site falls within the Area of Landscape Value, however, it is positioned between the existing residential estate to the west and the HMYOI to the east. There are existing buildings on the site and the site in general does not have the appearance, or form part of the countryside. Development of the site would be an infill between existing development and the A67 and therefore would not result in encroachment into the open countryside. It is therefore considered that the proposal would not detract from the landscape setting of Barnard Castle or the

quality and appearance of the Area of Landscape Value. The proposal does not therefore conflict with Teesdale Local Plan Policies GD1 and ENV3 in this respect.

79. Although the application is submitted in outline, an illustrative masterplan has been submitted showing the general layout and design parameters. This indicates how the proposed residential properties can be positioned sensitively to take advantage of existing boundary treatment and open spaces whilst respecting the amenities of existing residential properties. An area of recreational land to the north west of the site is to be retained which would be easily accessed by all properties on the housing estate, as well as existing properties to the west. The illustrative plans show separation distances of over 30 metres between the proposed properties and existing houses with garden areas backing up against the existing properties. These separation distances demonstrate that adequate levels of privacy could be maintained and that no overbearing or overshadowing impacts would be created. Several objectors have indicated that the proposed development would result in the loss of access for general maintenance of existing boundary treatment. It is accepted that home owners may have current access to their existing boundary treatment however this will be across private land. There is no planning requirement to allow residents to have access to their boundary treatment over privately owned land and subsequently this is not a material planning consideration.
80. The illustrative plan shows a suitable hierarchy of movement through the site with a main spine road through the centre of the site linking to the existing residential estate, and secondary roads leading to cul-de-sacs of residential properties. The masterplan also shows landscaping along the A67 frontage and the implementation of this is considered important to maintain an attractive appearance along the south boundary of the site. Amendments to the building line can be made in the reserved matters application when the layout is finalised. It is considered that the illustrative masterplan layout has the potential to provide a high quality scheme which would offer future residents a pleasant living environment without adversely compromising existing residential amenities.
81. Information in the design and access statement provides an indication of the type of properties which would be built on the site. A mix of 2, 3 and 4 bedroom houses would be constructed, most of which would be two storeys. In terms of the finished design and materials of the proposed buildings, these have yet to be determined but the design and access statement states that the desire is to ensure that the appearance of the dwellings and the built form will provide a scheme with distinct character that makes a positive contribution to its surroundings. It will be expected that the proposed house designs and materials would take cues from surrounding properties with the properties having varying roof types, pitches and finishes to create visual interest across the site. The Design and Conservation Section has not raised any objections to the principle of development on this site, but care will be needed in the final details to ensure that a high quality scheme can be provided which does not detract from the character of the nearby conservation area, or the setting of the Barnard Castle Scheduled Ancient Monument.
82. Objections have raised concerns that the HMYOI, which is located directly adjacent to the site, could be a source of noise that would adversely impact on residential amenity for future occupiers of the new dwellings. It appears the

concerns relate mainly to vocal noise and behaviour of the young offenders. While this may be a problem for some, it is not a source of noise that could justify refusal of the application. It is a factor that potential purchasers would have to take into account when deciding to live there. The design of the masterplan nevertheless appears to note this issue, as there is a thick landscape belt proposed along the boundary which adjoins the HMYOI to provide some separation and physical intervention. Security issues with the HMYOI being adjacent to the site have also been raised by objectors, but there is nothing to substantiate that the introduction of new houses would increase any security risks from the HMYOI and the HMYOI is already adjacent to existing residential properties.

59. Given the above, it is considered that the proposed site parameters shown on the illustrative masterplan and the details provided with the design and access statement indicate that a high quality residential scheme can be provided on this site. The amenities of existing residential properties and other adjoining uses would not be adversely compromised. It is therefore considered that the proposals would be in accordance with policies GD1, ENV3 and H12 of the Teesdale local plan.

Other issues

60. The Ecology Section has raised no objections to the proposed ecology survey that has been submitted with the application and it is considered that the proposal would not have an adverse impact on protected species or ecology. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. Nevertheless, a condition is suggested for the mitigation measures detailed in the ecology survey to be adhered to.
61. The Low Carbon Section has outlined the need to improve energy efficiency in new development with the aim to achieve 10% energy efficiency reduction on all major development proposals. This accords with the aims of the NPPF and therefore a condition is recommended in this respect.
62. The County Archaeologist has not raised any objections to the proposal in principle. Initial concerns had been raised with regards to the demolition of the existing buildings on site as it was not certain whether these buildings formed part of the World War Two Deerbolt Military Camp. However, these buildings are modern buildings which are unlikely to date back to pre-World War 2. It is also noted the main functional element of the Deerbolt Military Camp was situated to the east of the site, which is now occupied by the HMYOI. Therefore any significance of Military buildings being on the application site has now been lost. It is therefore considered that the proposed development and the loss of the existing buildings on site are acceptable and would not adversely impact on any non-designated heritage assets.
63. The site is not within an area at risk of flooding. The Environment Agency has raised no objections to the proposals on flood risk and drainage grounds providing conditions are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment; and a scheme is submitted which provides a buffer zone around the watercourse. These conditions are recommended accordingly.

64. The Coal Authority and the County Public Rights of Way Section have not raised any objections to the proposed development.
65. Issues have been raised by objectors in relation to lack of infrastructure and utility services, as well as lack of employment opportunities. It is considered that with the proposed investment into the bus services and the close proximity to Barnard Castle, that the proposed development would be within adequate travel distance to employment opportunities. There have been no objections from statutory consultees and it is considered that adequate utility services can be provided for future residents of the housing estate. The capacity of schools has been raised by an objector, but the County Education Section has not objected and furthermore, the Council's Pupil in Schools Capacity Study indicates that there is sufficient capacity in schools for the future. It is also noted that objectors are concerned about access for emergency vehicles during construction stage. The general practice during construction stage is to ensure that access will be required for existing residents and for emergency vehicles however, this is not a material planning consideration in the determination of this application.
66. Objections have also been raised with regards to the inaccuracies of supporting information with plans not being to scale. The proposed plans are to a recognised scale and the information submitted with the application is sufficient and adequate to enable to make a decision on the principle of development and access. Detailed issues of layout, scale and design will be considered at reserved matters stage when detailed plans are submitted.
67. The question about whether a retail supermarket would be more beneficial on this site is not a material planning consideration because the site is not allocated for retail use, there is no proposal for a supermarket on the site, and the proposal must be considered on its own merits as submitted.

CONCLUSION

68. The application involves establishing the principle of development of up to 75 new dwellings on a site that has been identified for strategic housing purposes in the emerging County Durham Local Plan. This forms part of a changing policy context for the consideration of such proposals and within this it is acknowledged that the application is outside the defined settlement boundaries for Barnard Castle and therefore contrary to saved policies ENV1 and H3 of the Teesdale District Local Plan. Nevertheless, the proposal would largely meet the aims of the NPPF in terms of promoting sustainable patterns of development and protection of the countryside. Taking these matters into account it is considered that there is sufficient justification for allowing a departure from the relevant policies of the adopted local plan, which if accepted would not require separate referral to the Secretary of State.
69. In reaching this view and weighing the overall merits of the scheme it is noted that the site would deliver the full local requirement of affordable housing (25%) as well as presenting an opportunity to develop a mixed and sustainable community in the local area. A number of improvements would also be facilitated within the surrounding area arising from developer contributions that would

enhance the overall sustainability of the site and the surrounding locality. These would be secured through a proposed Section 106 Agreement.

70. From a more detailed physical perspective the Highways Authority has confirmed that the surrounding road network can accommodate the proposed development and the proposed visibility improvements to the access into the site are acceptable. A formal bus turning area with bus shelter within the site and a new bus stop on the A67 is also to be provided through the development of the site. The proposal therefore accords with policy GD1 of the Teesdale District Local Plan.
71. Although this is an outline application, it is considered that the parameters set out on the submitted masterplan provide sufficient confidence that a high quality layout, design and landscape framework can be provided and appropriately accommodated in amenity terms. The character, setting and appearance of the surrounding natural and built environment would be preserved. It is considered that a scheme can be achieved which would provide adequate levels of residential amenity to existing and future occupiers of neighbouring dwellings as well new properties. The proposal would not detract from the character and setting of the Area of High Landscape Value, the nearby Conservation Area or the Barnard Castle Scheduled Ancient Monument. The proposal would be in accordance with policies GD1, H12 and ENV3 of the Teesdale District Local Plan and relevant sections of the NPPF.
72. It is acknowledged that the proposal has generated some local opposition. These concerns have been considered in the report and notwithstanding the points raised, it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support as a justifiable departure from existing policy.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of 25% affordable housing; the payment of commuted sums of £55,500 towards local public transport service improvements; and £4,000 towards maintenance costs of the open space on site; and subject to the following conditions below;

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

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

17. Approval of the details of appearance, landscaping, layout and scale (herein called “the reserved matters”) shall be obtained from the local planning authority before the development is commenced.

Where relevant, the reserved matters submissions shall provide details of the following:

- a) The design and external appearance (including type of materials) of all dwellings; the number of which shall not exceed 75;
- b) Landscaping including areas of hard and soft landscaping;
- c) The energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated;
- d) Details of the means of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the site's main surface water drainage and disposal of foul sewage network;
- e) All boundary enclosures;
- f) Existing and proposed ground and floor levels;

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and ensure that a satisfactory form of development is obtained..

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

Plan Ref No.	Description	Date Received
C9445.11.701 A	Site Location Plan	11/02/2013
Figure 9	Site Access Layout	11/02/2013

Reason: To define the consent.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased 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 policy GD1 of the Teesdale District Local Plan.

20. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies GD1 and ENV3 of the Teesdale District Local Plan.

21. No development shall take place until all details of means of enclosure have been submitted to and approved in writing by the Local planning authority. The

enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Teesdale District Local Plan.

22. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by Watermans dated January 2013 and the mitigation measures in the Flood Risk Assessment which details limiting the surface water run-off generated by the site to the existing Greenfield run off limits. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policy GD1 of the Teesdale District Local Plan.

23. No development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourse has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To protect the environment along the watercourse and to comply with policy GD1 of the Teesdale District Local Plan.

24. Prior to the occupation of the dwellings hereby approved, the existing junction with the A67 shall be constructed in accordance with Figure 9 of the Transport Assessment by Watermans dated February 2013.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

25. Prior to the occupation of the dwellings hereby approved, full details of bus stop infrastructure improvements within and external to the site, including a bus turning facility within the site, shall be submitted to and agreed in writing by the local planning authority and the agreed improvements shall be fully implemented and available for use.

Reason: In the interests of highway safety and to encourage sustainable modes of travel and to comply with policy GD1 of the Teesdale District Local Plan.

26. No development shall take place until full engineering details of the internal road layout, including vehicle swept path details and any areas of roads to be of adoptable standard have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy GD1 of the Teesdale District Local Plan.

27. Prior to the occupation of the dwellings a final residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. Once approved

the Travel Plan shall be implemented and managed for the lifetime of the development.

Reason: To encourage sustainable modes of travel to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and criteria within the NPPF.

28. No development shall commence until a scheme showing full drainage details of the site has been submitted to and agreed in writing by the local planning authority. The drainage shall be completed in accordance with the approved details.

Reason: To prevent flooding and pollution of the water environment in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

29. No development shall commence until a scheme to minimise energy consumption has been submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the National Planning Policy Framework.

30. No development shall take place unless in accordance with the mitigation, recommendations and conclusions within the Ecological Appraisal dated January 2013 by URS.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

REASONS FOR THE RECOMMENDATION

1. The proposed residential development would provide investment in terms of providing improvements to the highway access; public transport and open space/recreational areas ensuring that the development site is sustainable. It is considered that given the significant investment, a departure from policies H3 and ENV1 of the Teesdale District Local Plan is justified. The proposal would be considered acceptable in sustainability terms and in accordance with the principles of the National Planning Policy Framework.
2. The surrounding road network would be able to accommodate the additional traffic from the development site and highway safety would not be compromised. The proposed development would also improve the sustainability links in the surrounding area. The proposal would therefore be in accordance with policy GD1 of the Teesdale District Local Plan and comply with criteria detailed in the National Planning Policy Framework.

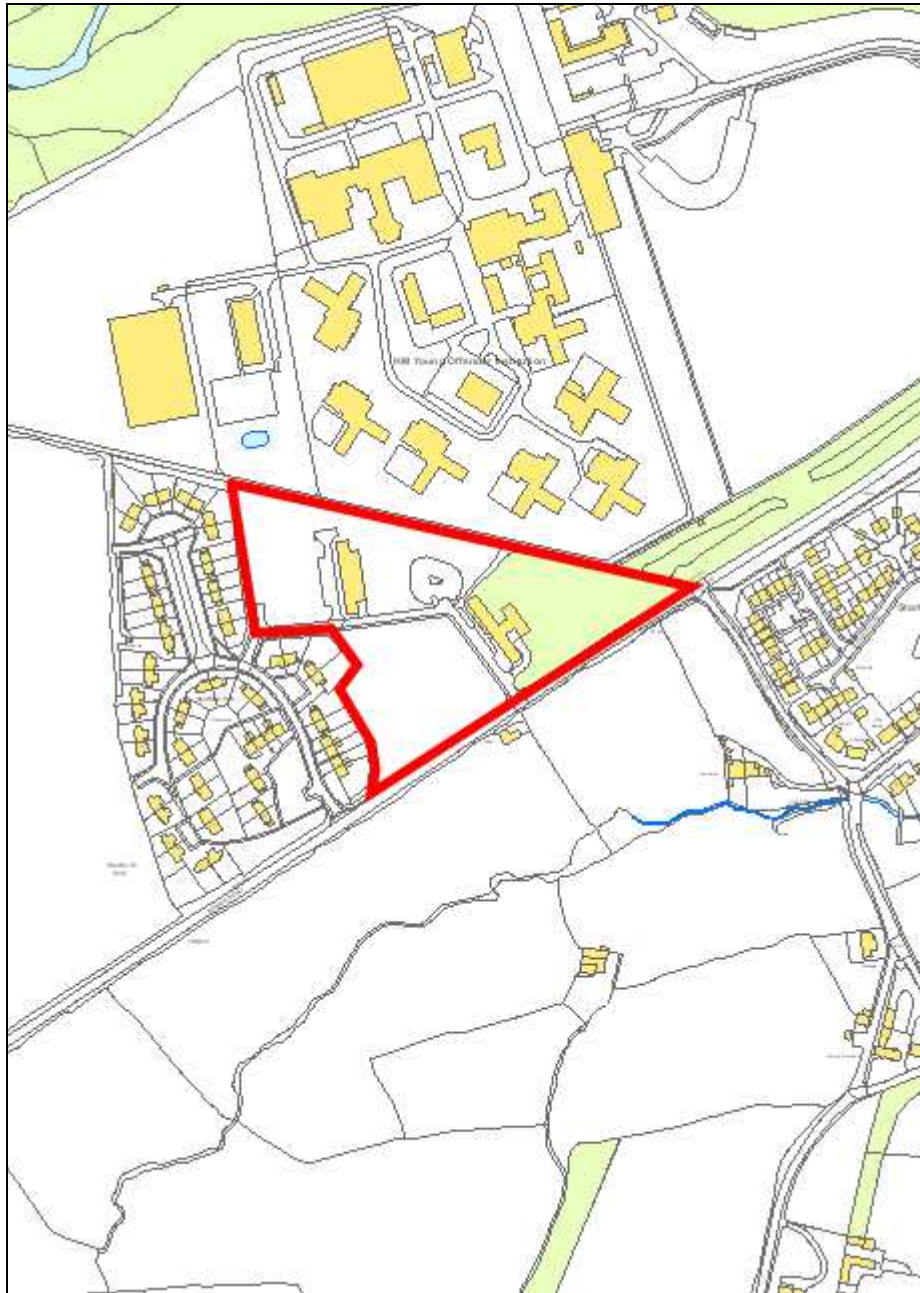
3. Provision of 25% affordable housing would be made along with significant investment to improve local recreation facilities and bus services. The proposal would be in compliance with criteria detailed in the National Planning Policy Framework and Teesdale Local Plan policies H1A and H14.
4. The illustrative layout gives confidence that a reserved matters scheme would be to a high standard and would not adversely impact on the Area of High Landscape Value, the surrounding area and nearby heritage assets, or residential amenity. The proposal accords with policies GD1, ENV3 and H12 of the Teesdale District Local Plan, and relevant sections of the NPPF.
5. In arriving at this recommendation, all consultation responses and representations received have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application, and matters can be considered further both through the submission of subsequent reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and to ensure the development delivers wider public benefits.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan 2002
Internal and external consultation responses



Planning Services

Outline application for residential development (all matters reserved except for access) at Land south of HMYOI Deerbolt, Startforth Park, Barnard Castle, County Durham (6/2013/0026/DM/OP)

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Date 20th June 2013

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