
APPLICATION DETAILS

APPLICATION NO:	DM/16/03310/FPA
FULL APPLICATION DESCRIPTION:	162 dwellings with associated highways, external works and new access roads. New car park and road link to HMYOI Deerbolt.
NAME OF APPLICANT:	Kier Living
ADDRESS:	Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 10.54 ha in area and is located on the northern side of Bowes Road, in Startforth, which itself lies to the west of Barnard Castle. The main built up area of Startforth is largely situated on the southern side of Bowes Road. To the west of the site lies Her Majesty's Young Offender Institution (HMYOI) Deerbolt, with residential development beyond. Beyond the site, to the north, the land falls away steeply towards Deepdale Beck, and also the Teesdale Conservation Volunteers composting site.
2. The site itself comprises an area mainly formed of informal grassland, but also containing a number of trees, both individually and in larger groups. It also contains the existing access route to HMYOI Deerbolt, and the visitor car park. Historically the site had a military function, operating as an army camp and rifle range from the mid-late 19th Century until 1972, before being redeveloped by the Ministry of Justice. The site generally slopes from the west down towards the River Tees to the east, with increasing steepness as it approaches Lartington Lane.
3. The site lies outside of any nationally or locally designated heritage or ecological areas, although it does lie within an Area of High Landscape Value. The site abuts the western edge of Barnard Castle Conservation Area at its south eastern extremity, although the site does not fall within it. The Conservation Area includes a number of listed buildings, as well as Scheduled Monuments of Barnard Castle ("the Castle") itself, Barnard Castle Bridge, and Deepdale Bridge which lie around 200m to the east of the site. Deepdale Cottage and Deepdale Aqueduct are both Grade II

Listed, and lie approx. 150m to the north of the site. Deepdale Wood Local Wildlife Site is situated to the north of the site.

4. There are several public rights of way running near to the site, although none cross it. Footpath No. 36 Lartington runs along the line of Deepdale Beck to the north of the site, whilst Footpath No. 8 Startforth runs through housing development to the south. The site at present has an informal recreation role, but is not dedicated as a public park.

The Proposal

5. The proposed development comprises 162 dwellings, including 24 affordable dwellings, in a configuration of 55 two-bedroomed houses, 48 three-bedroomed houses, and 59 four-bedroomed houses.
6. The development would be accessed from the north, from Lartington Lane, with an access road winding up the steep bank, following the approximate route of the existing access, albeit at a generally shallower gradient. The access would then reach the main part of the development, which would comprise perimeter blocks of houses, with a central green spine of public open space. A number of trees would be retained within the development, including two large oaks, which sit within areas of open space. Further tree planting is proposed throughout the site, with the existing belt to the east of the site being largely retained.
7. Those properties facing Bowes Road would have parking to the rear, with a footpath in front, strengthening the frontage on to main road. The design of the properties would see a number of character areas being presented, each taking design cues from dwellings in the surrounding area.
8. It is also proposed as part of this application to provide a car park for the HMYOI Deerbolt, which would lose an existing car park as a result of the development, and would be located at the western edge of the site, essentially forming a buffer between the housing development and HMYOI Deerbolt. Vehicular access to this car park would be provided directly from Bowes Road, with this car park access road also doubling as an emergency access for the housing development.
9. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal over 4 hectares in area.

PLANNING HISTORY

10. There is no specific planning history relating to this site.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to

approach development management decisions positively, utilising twelve 'core planning principles'.

12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from

unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

LOCAL PLAN POLICY:

The Teesdale District Local Plan (TDLP) (2002)

22. *Policy GD1 – General Development Criteria.* States that 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.
23. *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.
24. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* states that development which may affect a nature conservation site will be subject to rigorous examination, and will not be permitted if there are likely to be significant adverse impacts.
25. *Policy ENV7 – Development affecting Local Nature Conservation Sites* states that development proposals that likely to damage the nature conservation value of sites will not be approved unless the case for development outweighs the harm, and that resultant harm is kept to a minimum
26. *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.

27. *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.
28. *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.
29. *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.
30. *Policy BENV4 – Development within and/or adjoining Conservation Areas* states that the development will only be permitted where it will not adversely affect the setting of the conservation area, or views into, or out of the area.
31. *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.
32. *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 minimum standards.
33. *Policy H3 – Housing Developments On Sites Of More Than 0.4 Hectare.* States that development will be permitted on sites over 0.4 hectare, comprising previously developed land, within the development limits of identified settlements.
34. *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.
35. *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.
36. *Policy H14 – Provision of Affordable Housing with 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.
37. *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.

EMERGING PLAN:

38. Paragraph 216 of the NPPF says that 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Teesdale District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Barnard Castle Town Council* – Objects to the application, noting that the development is inappropriate to the setting of neighbouring buildings, the castle, and open spaces. Further, it is considered that there would be significant harm to the character, quality and distinctiveness of the landscape, having particular regard to views the castle and Scar Top. Furthermore traffic, parking, noise and other environmental problems will be detrimental to the character of the conversation area. Additional concerns are raised with regard to the ability of existing facilities with the town to accommodate increased demand. Concern is also raised with regards to the content of some of the submitted documents.
40. *The Coal Authority* – Raise no objections.
41. *Highway Authority* – Raise no objections considering that the submitted Transport Assessment demonstrates that the local highway network can accommodate traffic generated by the development. Comments are also made regarding the proposed layout, and the need to secure several final detailed changes through a planning condition.
42. *Northumbrian Water Limited* – Raise no objection, subject to a condition finalising details of foul and surface water disposal.
43. *Drainage and Coastal Protection* – Offer no objections.

INTERNAL CONSULTEE RESPONSES:

44. Spatial Policy – Offer no objection. The site lies beyond the settlement limits of Barnard Castle and Startforth, and therefore the development is contrary to Policy H3 however this policy is out of date. Consequently it falls for the application to be determined in accordance with Paragraph 14 of the NPPF.

45. *Landscape* – Offer no objection. It is noted that the site is within an Area of High Landscape Value, would be visible from several viewpoints and would have a significant landscape and visual effect at a local level. However, the retention of peripheral tree planting as well as additional new planting would mitigate the effects of the development.
46. *Landscape (Arboriculture)* – No objections are raised, although it is noted that the proposal would result in a loss of trees across the site, which should be weighed in the planning balance. It is also noted that care needs to be taken around root protection areas, and that two footpaths may cause damage to trees if not properly considered.
47. *Design and Conservation* – Offer no objection to the application. Whilst there would no positive benefit to the setting of any nearby heritage assets, it is considered that there would also be insufficient harm to sustain an objection.
48. *Ecology* – Offer no objections, subject to the development being carried out in accordance with the mitigation measures set out in the submitted ecology documentation.
49. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, in relation to odour and noise, subject to conditions relating to noise mitigation being attached to any permission.
50. *Environment, Health and Consumer Protection (Air Quality)* – Offer no objections. It is noted that the construction phase will likely form a source of particulates, however this can be managed via a Dust Management Action Plan.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Housing* – Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership.
53. *Archaeology* – No objection subject to a written scheme of investigation, and the subsequent recording of any finds being secured by condition.
54. *School Places and Admissions Manager* – Advise that there are sufficient primary and secondary school places available in the area to accommodate pupils from the development.
55. *Sustainable Development* – No objections are raised.

PUBLIC RESPONSES:

56. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 6 letters of objection have been received, including from Teesdale Conservation Volunteers. The issues raised are summarised below:

Principle of Development

- Lack of demand for housing.
- Plenty of unsold properties in Startforth.
- Lack of local employers for potential future occupiers.
- Impact upon local services such as doctors and schools. Particular concern following the recent closure of a local primary school.

- Lack of village facilities – no pub, no shop, no community centre.

Landscape, Heritage and Visual Impact

- The development not in keeping with character and appearance of local area.

Biodiversity

- Development is on green space within village and will impact wild flowers, trees, plants, wildlife and birds.
- Impact upon protected trees.

Sustainability and Highway Safety

- Extra traffic noise and congestion due to increased movements.
- Existing speeding issues on A67.
- Increase in traffic unacceptable, particularly on Lartington Lane.

Residential Amenity

- Residential development will be too close to the existing composting business, which produces odour and noise.
- The noise and odour reports produced to assess the impact of the existing compost business are not sound.
- Odour and noise produced by the existing composting business are likely to give rise to complaints from future residents, placing the business at risk.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O4JZCIGDGWW00>

APPLICANTS STATEMENT:

57. Kier's proposal is for a development of 162 houses which will include both 2, 3 and 4 bed for sale housing along with an element of affordable housing.
58. The scheme as proposed utilises former Ministry of Justice land which has since been transferred to the Homes and Community Agency, earmarked by the HCA for housing development in line with government targets set for new housing within the north east of England.
59. The scheme has been designed in full consultation with both the Homes and Communities agency, Durham County Council planning and associated consultees. This design process has led to the scheme having incorporated many of the unique site features such as the two old oak trees which have been placed in public areas and retention of the larger higher value woodlands on the boundaries. In addition in liaison with Durham drainage and Northumbria water we have brought in sustainable design features such as swale drainage systems within the new public areas to create a scheme that not only minimises the impact on the local drainage systems but is a place that will enhance Startforth village .
60. The scheme design is one which tries to recognise the heritage of the Barnard Castle area in its use of materials and topographical design but at the same time creates its own identity within the area as a desirable place to live. As part of this process the scheme was passed through the NEDRES design review panel who helped critique the early designs and shape the project into its current form. A key feature of the site will be the central public open space which directly links via footpaths back to the existing Startforth village and provides a link to all local people

to access through the site, onto Lartington Lane and into the woodland walks beyond – ensuring this new scheme is integrated to the existing village.

61. Overall we feel that the hard work, time and effort that has gone into the design of this site and the housing within it, along with the way the site has been altered many times in response to the stakeholders of the scheme and their comments reflects in the high quality project we are proposing – one that both Kier, the HCA, Durham County Council and the residents of Startforth Village and Barnard Castle can be proud of.

PLANNING CONSIDERATIONS AND ASSESSMENT

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability, impact of the character of the surroundings, impact on heritage assets, layout and design, affordable housing, residential amenity, public open space, access and highway safety, ecology, flooding and drainage, and other issues.

The Principle of Development

The Development Plan

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF.
64. The TDLP was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

65. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

66. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
67. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the TDLP are out-of-date as outlined below.

Five Year Housing Land Supply

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
49. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet, and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
69. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
70. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.

71. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

72. The TDLP, through Policy H3 states that housing development will be permitted on sites within the settlement limits of Startforth, where it accords with other environmental policies. TDLP Policy H6 sets that housing in the countryside, beyond settlement limits will be unacceptable, except in specific circumstances. It is clear that these policies are, in NPPF Paragraph 49 terms, policies for the supply of housing. The Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing, such as these, are based on housing figures of some age, and which did not represent an objectively assessed housing need, are "out of date" irrespective of the position on 5 year housing land supply. Given the age of the TDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need. Policies H3 and H6 are therefore considered to be "out-of-date" for the purposes of this application.
73. Given the age of the TDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
74. Policies H3 and H6 are considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that only moderate weight can be afforded to these Policies, in accordance with Paragraph 215 of the NPPF.
75. Relevant policies for the supply of housing within the TDLP are out-of-date, and are not fully NPPF compliant, however, this does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. As a result of the current housing land supply position the presumption in favour of sustainable development is engaged. Consequently, the acceptability of the proposed residential development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

76. The County Durham Settlement Study 2012 is an evidence based document which considers the role and status of settlements within the county. For the purposes of the Settlement Study, Barnard Castle, Startforth and Stainton Grove are considered as a single entity, which is considered to form a "main town" Tier 1 settlement.

77. Barnard Castle, as a Tier 1 settlement, is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge Startforth is consistent with the role the settlement plays within the County Durham hierarchy, and would represent a sustainable, accessible location. It is accepted that Startforth itself has only limited facilities, a point raised by several objectors, however given the proximity of Startforth to Barnard Castle, it is considered that the approach taken by the settlement study, in acknowledging that for functional purposes residents of Startforth would turn to Barnard Castle for their everyday needs is a sensible one.
78. From the application site, St Mary's RC Primary School lies 700m away, Montalbo Primary School lies 1.4km away, and Green Lane Primary School a distance of approximately 1.9km away. In terms of Secondary Schools, Teesdale School, and Barnard Castle School are around 1.8km away. Barnard Castle Town Centre containing a Morrison's supermarket, a number of public houses, restaurant/takeaways, Barnard Castle Surgery, and a petrol station is around 800m away, whilst major employers on Harmire Road, including GSK are around 2km away. All of these distances are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys", although admittedly towards the higher end of what might reasonably be expected.
79. Bus stops are located to the south of the site on Bowes Road, which are served by the 71/72 Barnard Castle Circular Service, which provides services throughout the day to the town centre and Teesdale School. The journey takes approximately 8 minutes when travelling towards the town centre, and around 5 minutes when returning.
80. The Council's School Places and Admissions Manager advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect. This response takes into account the fact that Startforth Morrith Memorial Primary School has recently closed. Barnard Castle Surgery is currently accepting new patients, indicating that there is existing capacity.
81. Overall, it is considered that the site has access to a large array of services and facilities, adequate to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Barnard Castle & Startforth in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land.
82. In conclusion, it is considered that the walking distances and the established bus service would give future residents alternative options to the private motor car to access to services and amenities, in accordance with TDLP Policy GD1 and Paragraph 61 of the NPPF.

Impact on the character of the surrounding area

83. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while

also having an acceptable impact on the surrounding landscape of the area. TDLP Policy ENV3 seeks to ensure that new development does not detract from the character of an Area of High Landscape Value (AHLV), whilst TDLP Policy ENV10 seeks to avoid unreasonable loss or harm to protected or mature trees. This is reflected in Parts 7 and 11 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to TDLP Policies GD1, H12, ENV3, ENV10 and ENV12 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, whether its impact upon the AHLV is acceptable, and whether it represents good design.

84. The site lies in the Pennine Dales Fringe County Character Area. The site is made up primarily of open grassland, with the character of parkland, with a number of mature trees, although none are subject to Tree Preservation Orders. The Pennine Dales Fringe is designated as an AHLV within the TDLP.
85. It is acknowledged that the site forms part of the wider AHLV, however, in terms of purposes of whether the site, in itself forms a “valued landscape” for purposes of Paragraph 109 of the NPPF, this is considered not to be the case. The AHLV extends over much of the area around Barnard Castle, stretching from Gainford in the east, to Bowes in the west, as far north as Hamsterley and to the south beyond the A66, and essentially includes the vast majority of the former Teesdale District that does not fall within the North Pennines Area of Outstanding Natural Beauty. As a result, the application site forms only a small part of a far larger area.
86. The site itself is undoubtedly attractive in its current form, although the presence of the HMYOI Deerbolt car park, located on part of the former parade square associated with the former military use of the site is a little incongruous. The strong tree belts at the eastern edge of the site, and individual specimens within it do add to the parkland character, however overall it is considered that the site, in isolation cannot be considered to be a valued landscape.
87. Of perhaps greater importance is the role that the site plays in the wider AHLV, and it is accepted that views over the site, within the context of the wider AHLV are available from Scar Top, and also the castle, which sits in a commanding position above the River Tees. In order to assess the impact of the development upon these views, the application has been submitted with a Landscape and Visual Impact Assessment (LVIA), which demonstrates that views of the site, particular during the summer, will be heavily filtered by existing mature trees – most notably those at the northern edge of the site.
88. The Council’s Landscape officer has reviewed the scheme, and submitted LVIA and have advised that although the development would have a significant landscape and visual impact at the local level, that as a result of the significant amounts of existing peripheral tree planting, as well as incorporating new planting, that the wider effects of the development would be adequately mitigated.
89. The indicated mitigation planting along the eastern edge of the site would however need to be implemented at the appropriate stage to ensure screening at different stages of this development. It is recommended that this is secured by condition, however subject to this, the proposal would be considered to be in accordance with TDLP Policies GD1 and ENV3 AND Parts 7 and 11 of the NPPF in this regard.

90. In terms of those trees that current exist within the site, the development would result in the loss of a number of moderate, or low quality trees. Some of these would be lost in order to allow the development to proceed, others due to structural defects or limited safe useful life, and the remainder removed as part of a density thinning programme in existing groups in the interests of good arboricultural practice.
91. Critically, the main large specimens that are within the site, in the form of three oak trees are proposed for retention, with the submitted layout having been designed in order to take account of them. It is noted that a further three trees that are to be retained may come under pressure due to the proximity of public footways that are proposed, however it is considered that final details of how these paths can be satisfactorily constructed can be secured by means of a planning condition. Generally however, the application is considered to be in accordance with TDLP Policy ENV10
92. Overall, the proposals would entail an incursion of built development into an area that has the character of attractive parkland, and there would be some harmful effects on the character of the local landscape, however these would be localised. Wider impacts upon the AHLV could be mitigated by existing and proposed planting, and the site itself is not considered to constitute a “valued landscape” for the purposes of Part 11 of the NPPF, and the NPPF does not seek to otherwise restrict development upon sites that may have an adverse impact upon local landscapes, other than through the Paragraph 14 planning balance assessment.
93. Having regard to this assessment, it is acknowledged that there would be a residual localised adverse impact as a result of the development, that the development would lead to the loss of a number of existing trees, and that the development would potentially adversely impact several trees that are to be retained. As outlined above, such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Impact upon heritage assets

94. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
95. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets that may be affected by the development, whilst Paragraph 131 states that the impact local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires the impact of a development upon the significance to be considered, and that great weight should be afforded to the asset's conservation.
96. Policy BENV4 relates to development adjoining conservation areas, and is considered to be NPPF consistent so can continued to be afforded significant weight. TDLP Policy BENV11 relating archaeological remains, and TDLP Policy BENV3 relating to development impacting upon the character of listed buildings are

considered to be only partially NPPF compliant so can only be afforded reduced weight.

97. Within 500m of the site, there 3 Scheduled Monuments, 154 listed buildings, and Barnard Castle Conservation Area. The scheduled monuments comprise Deepdale Bridge, Barnard Castle (“the Castle”), and Barnard Castle Bridge. All lie outside of the site, but within close proximity to it. The vast majority of the listed buildings are situated within Barnard Castle Conservation Area, and are concentrated within the town centre, although there are a number of Grade II listed buildings in Startforth itself. The conservation area lies on the opposite side of Bowes Road at the site’s south-eastern extent, but is otherwise concentrated on the eastern side of the River Tees.
98. In terms of potential impacts upon these identified heritage assets, the submitted Heritage Assessment considers that due to the limited intervisibility between the site and Deepdale Bridge, and the lack of development on that part of the site closest to it, that the impact would be neutral. Similarly, it is considered that the proposed landscape planting associated with the development would largely screen it from Barnard Castle Bridge, also resulting in a neutral impact. It is acknowledged that the panoramic views from the Castle are a key part of its significance, however the existing, established mature trees and landscaping that surrounds the site obscures it from views from the Castle, as established in the LVIA. Consequently this impact is also considered to be neutral.
99. The potential impact of the development of Barnard Castle Conservation Area has been raised by Barnard Castle Town Council as a matter of concern, and that such concerns are predominantly related the impact that traffic, parking, noise and other environmental issues as a result of an increased local population.
100. With regards to these concerns, it is considered that the development would lead to an increase in population within Startforth, and it is reasonable to suggest that these residents would spend time in Barnard Castle Conservation Area, and would also be likely to increase traffic within the town to a certain extent. However, it is also considered that such increases as the result of the population of 162 additional dwellings (approximately 388 people), in a town with an existing population of around 5,500, would be difficult to assess, difficult to quantify and unlikely to have a significant adverse impact upon the character of the Conservation Area. In visual terms, there is only intervisibility between the application site and the conservation area, and the overall impacts are considered to be neutral.
101. The heritage value of the site itself is now largely limited to its cultural value as a result of its previous use as a military camp. Consequently the development itself would have only a limited impact upon this. The site is now cleared, and has been subject to pre-determination archaeological investigation through trial trenching, and nothing of particular significance was revealed. As a result, it is considered that it is unlikely that the development would result in the loss of significant heritage assets in form of archaeological remains, and that the development would accord with the requirements of Policy BENV11, as well as Paragraphs 134 and 139 of the NPPF.
102. The Design and Conservation Officer has considered the submitted heritage assessment and considers its findings to be sound. Equally, the County Archaeologist raises no objections to the development.
103. Overall, the development is considered to not have a materially adverse impact upon designated and non-designated heritage assets that exist within the vicinity of the application site and the proposed development is therefore considered to be in

accordance with TDLP Policies BENV3, BENV4 and BENV11 as well as Part 12 of the NPPF.

Layout and Design

104. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding area.
105. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to TDLP Policies GD1 and H12.
106. The proposed development has been subject to significant pre-application discussion, and has been subject to design review both at a regional level, as well as internally at the Council's own Design Review meetings. The topography of the site, existing trees, the unsuitability of a direct access from Bowes Road, and the need to account of existing offsite land uses means that achieving a high quality development has presented challenges to the designers, and has also led to a reduction in the number of properties proposed, as the development has proceeded through the design process.
107. It is considered that the resultant development has successfully overcome many of the challenges proposed. Access would be taken from Lartington Lane, using the existing access with an access road climbing steeply up the wooded bank. The development would be characterised around a centre landscape corridor providing recreational space, and pedestrian access to Bowes Road. The housing mix would predominantly see 4 bedroom units at the northern end of the site, closest to the entrance, with an increased number of 3 bedroom and affordable units located to the south and west of the site.
108. As part of the design process, the existing character of Startforth has been assessed, with the development taking account of the fact that there are a number of architectural approaches and different ages of properties in the immediate vicinity. As a result, there is no strong local vernacular upon which the proposed development could rely for design cues. The proposed development takes the form of perimeter blocks, with in curtilage parking to the rear of dwellings where appropriate, but most notable to those properties fronting Bowes Road. The dwellings themselves fall into four character areas, namely "Modern interpretation of local vernacular", "Rural Edge Cottages", "Startforth Extended" and "Feature Homes". The result is a development that has interest, and its own character, whilst acknowledging the surroundings within which it would be located.
109. The Design and Conservation Officer has advised that the design shows elements of good practice in the creation of character areas, and that the primary areas of interface with the existing settlement layout are addressed with a degree of legibility provided by linked public spaces, the central green spine, and the use of feature houses. It is also noted that not all of the architectural features incorporated into the proposed dwellings are not influenced by local design, and a more restrained approach could have provided of cohesion, however the design of the dwellings as proposed would create a sense of character within the development.

110. Overall the proposed development is considered to be acceptable in design terms, offers the potential for the creation of a pleasant and appropriate environment. The development is therefore considered to comply with TDLP Policies GD1 and H12, as well as Parts 7 and 11 of the NPPF subject to conditions requiring the submission of details of materials.

Affordable Housing

111. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst TDLP Policy H14 sets that negotiations will take place with developers to secure affordable housing where appropriate, as identified by local need. The requirements of the policy do not entirely align with the NPPF, and therefore the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
112. The Council's evidence base for the area suggests that a proportion of affordable housing amounting to 15% would be required on this site, amounting to 24 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 75% affordable rent and 25% discounted sale.
113. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990, with the proposed layout indicating the appropriate level of affordable provision within the development.

Residential Amenity

114. The site layout indicates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan, and that suitably sized gardens would be provided. Furthermore, appropriate separation distances can be provided between existing and proposed dwellings such that there would be no significant adverse effects in terms of loss of light or dominance.
115. TDLP Policy GD1 also requires that development should not disturb or conflict with adjoining uses, and also not compromise public health. This policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
116. It is acknowledged that the site is located in relatively close proximity to two land uses that have the potential to impact upon the level of residential amenity available to future occupiers of the development. These are identified as being HMYOI Deerbolt, which has the potential to be a source of noise, and also the Teesdale Conservation Volunteers composting site, which has the potential to be a source of both noise and odour.
117. With regards to the composting site, the applicant has provided both odour and noise assessments, which consider the impact that this existing use will likely have upon future occupiers. Turning first to odour, the report concludes that there is the potential for slight adverse effects when operations are being undertaken on the composting site. However the overall impact is considered to be negligible, when

site specific considerations are accounted for. Such considerations include the fact that the operations are not continuous, that there have been no substantiated odour complaints since the site commenced operation in 2003, that the development site is predominantly upwind of the composting site, that intervening topography and woodland provide screening dissipation potential, and that sniff tests undertaken within the development site yielded only small exposure to odour.

118. In response to this, the operator of the composting site commissioned an alternative odour consultant to peer review the submitted information. The resultant peer review report considers that the submitted odour assessment does not provide a robust assessment as a result of a number of technical methodology shortcomings, and that there is a potential for emissions from the facility to affect amenity levels within the proposed development. As a result of this work, Teesdale Conservation Volunteers have objected to the application, on this basis.
119. The Council's Environment Health and Consumer Protection officers have considered the originally submitted report, the peer review submitted by the objectors, as well as a further rebuttal to the peer review from the authors of the original odour assessment. Having had regard to all of the submitted information, officers advise that they consider that the originally submitted odour assessment is appropriate, and the conclusions that it reaches are reasonable.
120. It is also noted that the composting site operates under a permit issued by the Environment Agency. The terms of the permit state that "...emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, unless the operator has used appropriate measures, including...those specified in any odour management plan to prevent, or minimise odour." The permit also requires the site operator to submit a revised odour management plan, if pollution occurs outside of the site.
121. NPPF Paragraph 122 states that local planning authorities should assume pollution control regimes will operate effectively. In this context therefore, it is considered that significant weight should be afforded to the fact that there is an effective control mechanism in place to minimise odour from the composting site, regardless as to whether planning permission is granted for this site. This is evidenced by the lack of complaints about the site to date, and the history of good compliance with the terms of the permit.
122. On balance therefore, it is considered that whilst there is undoubtedly the potential for odour to occasionally be apparent within the proposed development, that these instances are likely to be irregular, and limited in their duration. Such impacts are considered likely to fall short of constituting statutory nuisance, and whilst they would perhaps have some impact upon residential amenity, would be unlikely to erode it to such a degree, that it would be considered unacceptable. As a result the proposed development is considered to be in accordance with TDL Policy GD1 and Part 11 of the NPPF in this respect.
123. With regards to noise, Environmental Health and Consumer Protection officers advise that they are satisfied with the methodology within the submitted noise report. It is acknowledged that there is the potential for a significant adverse impact to occur within the external areas of those properties that are proposed closest to the Teesdale Conservation Volunteers site, whilst compost shredding activities are being undertaken. However, it is also noted that the proposed layout in this area would result in gardens being situated on the screened side of the dwellings, with the houses themselves providing attenuation. In terms of internal noise mitigation,

measures such as acoustic glazing and ventilation mean that it is considered likely that recommended internal noise limits as set out in BS8233:2014 will be achieved.

124. In terms of the noise from HMYOI Deerbolt, specific additional monitoring was carried out by the applicant at the request of officers over a period of 22 hours, and it is acknowledged that at the time of the survey that the YOI was operating under capacity, and that it was at a time of year when inmates would be expected to spend more time indoors. It is therefore possible that noise levels recorded would be somewhat below a potential "worst case" scenario.
125. The results of the noise survey indicated that in terms of average noise levels over a 16 hour period during the daytime and 8 hour period at night, that there would not be a significant impact on future occupiers. Nevertheless, it is noted that there has been a recent complaint from an existing local resident with regards to noise from the YOI, and that in order to address this, the YOI have sought to mitigate impacts by relocating inmates and installing trickle ventilated closed windows where practicable, which seems to have resolved that specific complaint.
126. However, it is still considered likely that especially during the summer months when inmates may be expected to be outside for longer periods, and also when the YOI is operating at full capacity, that there is the possibility that noise, particularly from shouting, would be audible within the development. Such noise events are considered likely to be short in duration, and unlikely to have a significant impact on average noise levels over a longer period. Whilst therefore, there would be unlikely to be a statutory nuisance, there is the possibility that there would be a residual intermittent and short-term impact upon residential amenity, and this should be considered in the planning balance.
127. In terms of air quality, Environmental Health and Consumer Protection advise that there is unlikely to be an adverse impact as a result of this development, to the extent that the development would be considered unacceptable. There is greater possibility of impacts during the construction phase, however these can be adequately addressed through an appropriate Dust Management Plan.
128. While recognising that the Environmental Health and Consumer Protection officers have additional controls outside of the planning system that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties, some form of control is necessary. The issues raised by Environment, Health and Consumer Protection officers could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties.
129. Overall, it is considered that the development would not cause any unreasonable adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured. The development is therefore considered compliant with SDLP Policy GD1 in this respect and Parts 8 and 11 of the NPPF.

Public Open Space

130. TDLP Policy H1A seeks to ensure adequate open space and recreational space is provided within new housing development. This policy is considered to be only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs

Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraphs 17 and 73 of the NPPF.

131. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
132. The OSNA sets out that a total of approximately 2ha of public open space should be provided on site, in the form of semi-natural greenspace, amenity space, and play provision. The submitted layout indicates that a total of almost 2.4ha of open space will be provided in these typologies, representing a significant oversupply.
133. It is not normally expected that Parks & Garden, Allotment, or Outdoor Sport Space provision be made within the site, with financial contributions to improve existing, or provide new facilities within the local area instead being provided, and these can be secured through a planning obligation secured through Section 106 of the Town and County Planning Act 1990. In this instance it is expected that a contribution of £40,845 towards upgrading existing sports facilities within the Barnard Castle and Startforth Parishes, would enable residents of the new development to have adequate access to such facilities. In the event that the improvement of existing facilities is not ultimately possible, it is suggested that the planning obligation include a “cascade mechanism” to allow contributions to be directed towards initiatives related to improvements of other open space typologies within these parishes. With regards to parks and gardens, and allotments, it is considered that this provision is offset by the significant levels of oversupply of amenity open space within the application site.
134. Overall therefore, the application is considered to be in accordance with TDLP Policy H1A and Paragraphs 17 and 73 of the NPPF with regards to the provision of public open space.

Access and highway safety issues

135. TDLP Policy T2 requires that parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site. This policy can only be considered to be partially compliant with the NPPF as advice within the NPPF does not seek to put an upper limit on parking provision. Additionally, the NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
136. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
137. The TA establishes that the impact of the development upon the highway network would, be acceptable, and that there is sufficient capacity to accommodate flows generated by this proposal.

138. Highways officers have considered the content of the submitted transport assessment and are satisfied that the methodology used, and the conclusions reached are sound, and that there would not be an impact upon the local highway network that could be considered to be severe.
139. With regards to pedestrian movement, routes are proposed linking the site directly to Bowes Road, along with an additional bus stop which is also proposed as part of this development. Existing pedestrian links from Bowes Rd to Barnard Castle town centre already exist, which are considered to be convenient and safe.
140. With regards to the specifics of the proposed layout, a number of issues have been raised by Highways Officers, some of which have been addressed through the design process. Subject to final details being secured by means of planning condition, relating to some minor outstanding issues, the proposed development is otherwise considered to be acceptable in this regards.
141. The proposed replacement car park for the Ministry of Justice is considered to be in accordance with the relevant highway design standards, and as a result is considered to be acceptable.
142. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with TDLP Policy T2 and Part 4 of the NPPF.

Ecology

143. The closest site of nature conservation interest is Deepdale Local Wildlife Site which is located immediately to north of the application site. TDLP Policies ENV7 and ENV8, as well as Part 11 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. TDLP Policy ENV8 is considered to be NPPF compliant and can continue to be afforded significant weight. An ecology survey has been submitted with the application, highlighting that there is evidence that bats roost in five of the trees on the site, and that otters are present in Deepdale Beck. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended).
144. With regard to impacts upon bats, the trees that show evidence of roosting activity are to be retained within the development. Additional mitigation is proposed in the form of crevice roosting spaces in 11 properties at the south western extent of the development. Furthermore, a lighting strategy for the development will be prepared, adequately considering the need for dark commuting and foraging corridors for bats.
145. It is not expected that the development will have any direct impacts upon otter populations present in Deepdale Beck, so no direct mitigation is proposed, although all trenches created on site during construction will include a means of escape for mammal species.
146. Further mitigation measures are proposed for generally biodiversity enhancement purposes, and include 40 bird nesting boxes to be provide within existing woodland within the site, and the appropriate method of clearance for Rhododendron and Cotoneaster that currently exist on the site and are considered to be invasive species.

147. Ponds close to Deepdale Beck that may have the potential to contain Great Crested Newts (GCN) have been identified; as a result, a GCN risk assessment has been carried out. The assessment concludes that although is theoretically of a proximity to the ponds that GCNs may at times be present, that this unlikely due to intervening topography and the presence of closer, more suitable habitat. As a result it is considered to be unlikely that there would be an adverse impact upon GCN populations, subject to suitable method statement for construction.
148. Ecology officers have reviewed the submitted information and have raised no objections, although they have noted that a Natural England Licence may be required for any works that would affect the trees known to contain bat roosts. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
149. Of these tests, it is considered that there would not be a satisfactory alternative to retaining the trees within the development, and no direct works to the trees are proposed. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed avoidance of works to the trees would secure this.
150. With regard to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 14 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
151. Therefore, subject to a condition relating to a lighting strategy, adherence to the Biodiversity Management Plan, and an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 (as amended) and the proposal would comply with NPPF Paragraph 118.
152. Given that biodiversity impacts can be adequately mitigated, along with the planting proposed, the development is considered to conform to TDLP Policies ENV7 and ENV8, and Part 11 of the NPPF in this respect subject to the conditions outlined above. Natural England offers no comments on the scheme.

Flooding and drainage

153. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. TDLP Policy ENV15 states that development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted. This policy is considered to be NPPF compliant and can continue to be afforded significant weight.

154. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA does identify that there are areas of high risk surface water flooding on the site and mitigation would be required to deal with this. The FRA sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUDs). This includes the implementation of storage/attenuation tanks, swales within the site, and permeable paving in a number of areas. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water's drainage network, who offers no objections to the application advising that surface water flows can be accepted from the proposed development. Drainage and Coastal Protection officers offer no objections to the proposed drainage measures.
155. TDLP Policy ENV17 states that proposals which will increase the demands for off-site sewage infrastructure, will only be permitted only where adequate capacity exists, or improvements can be provided. This policy is considered to be NPPF compliant and can continue to be afforded significant weight. In accordance with this policy, a scheme of disposing of foul water into Northumbrian Water's existing equipment has been submitted, to which Northumbrian Water have raised no objection. The application is therefore considered to be acceptable in this regards.
156. Subject to a condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF and TDLP Policies ENV15 and ENV17.

Other Issues

157. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in "a more sensitive end user" but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety. An informative can be added having regards to the requirements of Paragraph 121 of the NPPF.
158. Due to the site's previous military use, the application is accompanied by an Unexploded Ordnance Risk Assessment. The submitted assessment concludes that the site is at low risk of contained unexploded ordnance, and there is no record of the site having been bombed. The application is therefore considered to be acceptable in this regard.
159. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
160. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. It is recommended that any planning permission be conditional on an

embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.

Planning Balance

161. The acceptability of the housing element of the scheme should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

162. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need.
163. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
164. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted, which is likely to be within the next 2 years. The level of contribution of supply that this development would make is only around 2 months' worth of supply. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
165. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision, amounting to 24 units, in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be ensured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990.
166. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Paragraph 204 of the NPPF, and Regulation 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing. The provision of a targeted recruitment and training scheme, does not meet these tests, although the applicant has indicated that they

are willing to enter into an agreement in order to provide it. However, no weight should be afforded to this element as a result.

Adverse Impacts

167. There would be an adverse landscape impact, with the character of the site being transformed, and there being a localised adverse impact. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain. Additionally, there would be an adverse impact through the loss of a number of trees on the site of low or moderate value, and potentially longer term impacts upon two of the trees to be retained on site as a result of the proximity of proposed footways.
168. It should also be noted that there is the possibility of incidences of noise and odour disturbance occurring within the development site as a result of its proximity to existing land uses. However, such impacts are likely to be small scale and of limited frequency and duration.

CONCLUSION

169. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
170. The residential development would not be in accordance with TDLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged. Therefore, residential development is required to be considered in the context Paragraph 14, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
171. The provision of affordable housing in an area where the supply of housing is lacking is a benefit of the scheme along with the provision of 15% affordable properties. This would contribute to the economic and social aspects of sustainability.
172. While there would be some visual impact, particularly in the early years of development, this is considered to be localised and minimised as a result of the mitigation proposed. Subject to mitigation, the development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in a sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere, and it has also been demonstrated that ecological impacts can be adequately mitigated.
173. Having regard to the above, it is considered that the adverse impacts that would result from this development would not "significantly or demonstrably" outweigh the benefits, and as a result, the proposed development can be considered to constitute sustainable development for the purposes of Paragraph 14, for which there is a presumption in favour.

174. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
175. With respect to the Natural England licence derogation tests, it can be concluded that as the development is considered to be sustainable, and that there are not adverse impacts that significantly and demonstrably outweigh the benefits, that it would be in the overriding public interest to grant a Natural England licence, and this element of the derogation tests is met. Consequently, it is considered likely that a Natural England licence would be granted.

RECOMMENDATION

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

- provision of 15% affordable housing units
- a voluntary scheme of targeted recruitment and training for the construction phase,
- a contribution of £40,845 towards improving outdoor play space provision with Barnard Castle and Startforth Parishes.

And the following conditions:

Time Full

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.

Plans

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

Proposed Site Plan 14-008 02
Proposed Site MOJ Car Park 14-008 03
Proposed Site Plan Area 1 14-008 04
Proposed Site Plan Area 2 14-008 05
Proposed Site Plan Area 3 14-008 06
Proposed Site Plan City Block 1 14-008 07
Proposed Site Plan City Block 2 14-008 08
Proposed Site Plan City Block 3 14-008 09
Proposed Site Plan City Block 4 14-008 10
Proposed Site Plan City Block 5 14-008 11
Proposed Site Plan Block 6A 14-008 12
Proposed Site Plan Block 6 14-008 13
Proposed Site Plan Block 7 14-008 14
Proposed Site Plan Block 8 14-008 15
Proposed Site Plan Block 9 14-008 16
214 Modern Classic Elevations and Plans 14-008 20
214 Rural Edge Elevations and Plans 14-008 21

214 Startforth Extended Elevations and Plans 14-008 22
214 Detached Startforth Extended Elevations and Plans 14-008 23
214 Mid Terrace Modern Classic Elevation and Plans 14-008 24
214 Mid Terrace Rural Edge Elevations and Plans 14-008 25
224 Modern Classic Elevation and Plans 14-008 26
224 Rural Edge Elevations and Plans 14-008 27
224 Startforth Extended Elevations and Plans 14-008 28
304 Modern Classic Elevations and Plans 14-008 29
304 Rural Edge Elevations and Plans 14-008 30
304 Startforth Extended Elevations and Plans 14-008 31
406 Modern Classic Elevations and Plans 14-008 32
406 Rural Edge Elevations and Plans 14-008 33
406 Startforth Extended Elevations and Plans 14-008 34
406 Modern Classic Feature Elevations and Plans 14-008 35
407 Modern Classic Feature Elevations and Plans 14-008 36
407 Rural Edge Feature Elevations and Plans 14-008 37
407 Startforth Extended Feature Elevations and Plans 14-008 38
407 Alt Rural Edge Feature Elevations and Plans 14-008 39
407 Alt Startforth Extended Feature Elevations and Plans 14-0038 40
Ashton Rural Edge Elevations and Plans 14-008 41
Ashton Rural Edge Feature Elevations and Plans 14-008 42
Ashton Modern Classic Feature Elevations and Plans 14-008 43
Ashton Startforth Extended Feature Elevations and Plans 14-008 44
Ashton Alt Modern Classic Feature Elevations and Plans 14-008 45
Bluebell Modern Classic Elevations and Plans 14-008 46
Bluebell Rural Edge Elevations and Plans 14-008 47
Bluebell Startforth Extended Elevations and Plans 14-008 48
Bluebell Detached Rural Edge Elevations and Plans 14-0038 49
Bluebell Detached Modern Classic Elevations and Plans 14-0038 50
Bluebell Detached Startforth Extended Elevations and Plans 14-0038 51
Bluebell Alt Startforth Extended Feature Elevations and Plans 14-0038 52
Debden Modern Classic Elevations and Plans 14-0038 53
Debden Rural Edge Elevations and Plans 14-0038 54
Debden Rural Edge Feature Elevations and Plans 14-0038 55
Debden Alt Startforth Extended Elevation and Plans 14-0038 56
Hemingford Modern Classic Elevations and Plans 14-0038 57
Hemingford Rural Edge Elevations and Plans 14-0038 58
Hemingford Startforth Extended Elevations and Plans 14-0038 59
Hemingford Modern Classic Feature Elevations and Plans 14-0038 60
Hemingford Rural Edge Feature Elevations and Plans 14-0038 61
Hemingford Startforth Extended Feature Elevations and Plans 14-0038 62
Hemingford Alt Rural Edge Feature Elevations and Plans 14-0038 63
Hemingford Alt Modern Classic Feature Elevations and Plans 14-0038 64
Site Sections 14-0038 70
Boundary Treatments 14-0038 72
Section 104 Sewer Plan Sheet 1 15038/140 Rev C
Section 104 Sewer Plan Sheet 2 15038/141 Rev C
Section 104 Sewer Plan Sheet 2 15038/142 Rev C
Road General Arrangement Plan Sheet 1 15038/SK100 F
Road General Arrangement Plan Sheet 2 15038/SK101F#
General Road Arrangements 15038/SK102
Proposed Street Elevation – Startforth Extended 14-0038 PR10
Proposed Street Elevation – Startforth Extended 14-0038 PR11
Proposed Street Elevation – Rural Edge 14-0038 PR12
Proposed Street Elevation – Modern Classic 14-0038 PR13
Proposed Streetscene 14-0038 PR14

Proposed Visual Courtyard 14-0038 PR16
Proposed Visual Modern Classic 14-0038 PR17
Proposed Visual Modern Classic 14-0038 PR18
Proposed Visual Startforth Extended 14-0038 PR19
Proposed Visual Startforth Extended 14-0038 PR20
Proposed Visual Startforth Extended 14-0038 PR21
Proposed Visual Startforth Extended 14-0038 PR22
Proposed Visual Startforth Extended 14-0038 PR23
Proposed Visual Oak Tree Square 1 14-0038P PR24
Proposed Visual Oak Tree Square 1 14-0038P PR25
Proposed Visual Oak Tree Square 1 14-0038P PR26
Proposed Visual Oak Tree Square 1 14-0038P PR27
Proposed Visual Oak Tree Square 1 14-0038P PR28
House Type Plans 14-0038 PR30
Landscape Masterplan R-1756-1A
Arboricultural Impact Assessment
Arboricultural Impact Assessment Plan Exi.1
Arboricultural Impact Assessment Plan Exi.2
Arboricultural Impact Assessment Plan Exi.3
Arboricultural Impact Assessment Plan Exi.4
Arboricultural Impact Assessment Plan Exi.5
Arboricultural Impact Assessment Plan Exi.6
Arboricultural Impact Assessment Plan TPP 1.500
Arboricultural Impact Assessment Plan TTP1
Arboricultural Impact Assessment Plan TTP2
Arboricultural Impact Assessment Plan TTP3
Arboricultural Impact Assessment Plan TTP4
Arboricultural Impact Assessment Plan TTP5
Arboricultural Impact Assessment Plan TTP6
Arboricultural Method Plan
Arboricultural Method Statement
Schedule of Property Types
Sustainability Statement
Scheme Appraisal – Phasing Plan 6012-APP-10

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies GD1, ENV3, ENV5, ENV7, BENV11, H1A, H3, H6, H12, H14 and T2 of the Teesdale District Local Plan.

Engineering details of access and highway improvements

3. No development shall commence until plans showing full engineering details of the proposed estate roads and highway works have been submitted to, and approved by the local planning authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T2 of the Teesdale District Local Plan and part 4 of the National Planning Policy Framework.

Maintenance of highway

4. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be implemented and maintained in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies GD1 and T2 of the Teesdale District Local Plan and Part 4 of the National Planning Policy Framework.

Hard Surfacing and Boundary Treatments

5. Prior to the occupation of the first dwelling, details of all hard surfacing and boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, all works should be carried out in accordance with the agreed details.

Reason: To ensure the visual impact of the development and the amenity of existing and future occupiers are protected in accordance with Policy H12 of the Teesdale District Local Plan.

Tree Protection

6. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy ENV10 of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Tree Works

7. No works shall be undertaken to Trees 11 and 444 (as identified within the Arboricultural Impact Assessment) as part of this development.

Reason: In the interests of the conservation of protected species having regards to Policies ENV7 and ENV8 of the Teesdale District Local Plan

Landscape implementation and management

8. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved, a detailed landscaping scheme be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping, including treatment of south eastern boundary of the site.
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

The approved landscaping scheme shall thereafter be fully implemented in accordance with the approved details and timeframes.

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years of their initial planting.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, H12 and H1A of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Public Open Space

9. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of on-site public open space, including semi-natural greenspace, play space, and amenity open space, totalling a provision of 2.4ha shall be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved areas shall be fully implemented and maintained in accordance with the approved details and timeframes thereafter.

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policies GD1, H12 and H1A of the Teesdale District Local Plan and Paragraph 73 of the National Planning Policy Framework.

Site Levels

10. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies G1 and H12 of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Travel Plan

11. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul and surface water

12. The development hereby approved shall be only carried out in strict accordance with the 'Flood Risk Assessment and Drainage Strategy for Kier Living, Deerbolt, Barnard Castle'.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

Ecology Mitigation

13. The development shall be carried out in accordance with the mitigation outlined within the "Extended Phase One Habitat Survey and Bat Assessment – Deerbolt YOI", "Great Crested Newt Addendum, Deerbolt YOI", and "Proposed Drainage Outfall, Deerbolt YOI", and no development shall commence until a working method statement having regards to Great Crested Newts has been submitted to, and approved by the Local Planning Authority. Thereafter, the development shall be carried only in accordance with the approved details.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies ENV7 and ENV8 of the Teesdale District Local Plan and Paragraph 109 of the NPPF. Required to pre-commencement in order to ensure construction activities do not adversely impact protected species.

Lighting Strategy

14. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development and maintained in perpetuity.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policies ENV7 and ENV8 of the Teesdale District Local Plan.

Noise Attenuation

15. All sound attenuation measures detailed in the noise assessment; Wardell Armstrong noise assessment reference NT12259 Report Number 001 dated December 2015 are fully implemented prior to the beneficial occupation of the development, and permanently retained thereafter.

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework.

Working Hours

16. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework.

Construction Methodology

17. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Land contamination

18. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (b) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (c) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

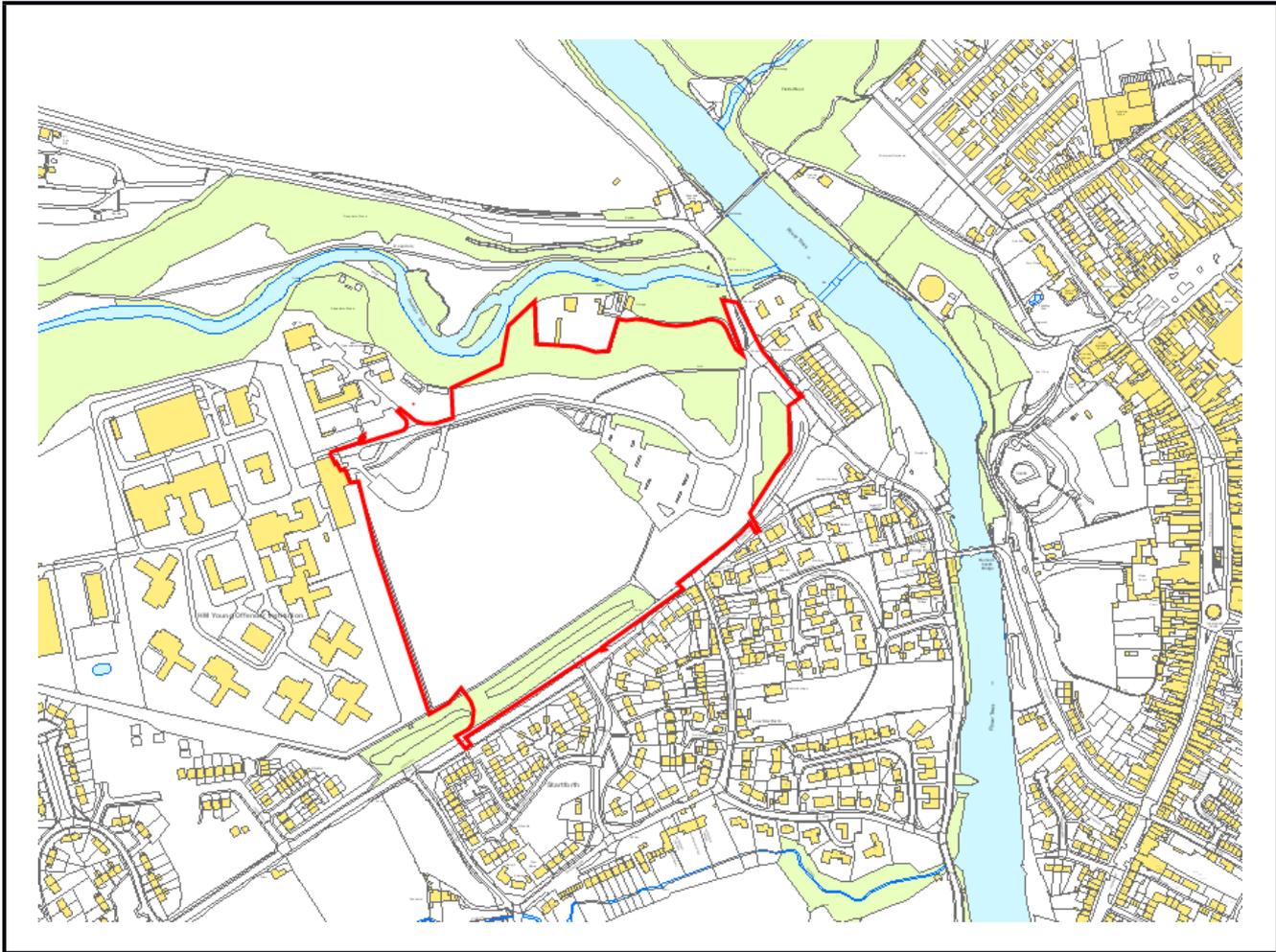
Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Teesdale District Local Plan
- Statutory, internal and public consultation responses.
- County Durham Settlement Study 2012
- County Durham Open Space Needs Assessment



Planning Services

(DM/16/03310/FPA)
 162 dwellings with associated highways, external works and new access roads. New car park and road link to HMYOI Deerbolt at Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth

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Comments

Date March 2017

Scale Not to scale