



County Planning Committee

Date Tuesday 6 September 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 26 July 2016 (Pages 1 - 10)
5. Applications to be determined
 - a) DM/15/02064/FPA - Pundergill, Rutherford Lane, Brignall, Barnard Castle (Pages 11 - 38)
Erection of turbine no. 1 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications).
 - b) DM/15/02063/FPA - Pundergill, Rutherford Lane, Brignall, Barnard Castle (Pages 39 - 66)
Erection of turbine no. 2 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications).
 - c) DM/16/01522/OUT - Land At The Former Sedgefield Community Hospital, Salters Lane, Sedgefield, County Durham (Pages 67 - 94)
Outline application (all matters reserved except partial means of access, to, but not within the site) for the erection of up to 125 dwellings, associated landscaping and parking, plus demolition of existing buildings.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
26 August 2016

To: **The Members of the County Planning Committee**

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 26 July 2016 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors H Bennett, J Blakey, J Clare, P Conway, G Holland, I Jewell, R Lumsdon, C Marshall, B Moir (Vice-Chairman), G Richardson, A Shield, H Smith, P Taylor and R Young

1 Apologies for absence

Apologies for absence were received from Councillors D Boyes, M Dixon, A Laing and H Nicholson.

2 Substitute Members

Councillor H Bennett as substitute for Councillor M Dixon, Councillor J Blakey as substitute for Councillor A Laing and Councillor H Smith as substitute for Councillor H Nicholson.

3 Declarations of Interest

Councillor R Lumsdon declared an interest in Agenda Items 5 (a) and 5 (b) as local Member but had not formed a view on either application.

4 Minutes

The Minutes of the meeting held on 5 July 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/14/01586/OUT - Land to the east of Sedgefield Community College, to the north and south of Butterwick Road, Sedgefield

The Committee considered a report of the Senior Planning Officer regarding an outline application, including details of access, appearance, layout and scale for the erection of a 63 bed care home (class C2), 58 bed assisted living complex (class C2), community and youth facility (class D2), business enterprise unit (class B1) and 3,000 m² of general industrial/storage and distribution (class B2/B8) use with outline permission sought, including details of access only, for the erection of 371

dwellings, including 72 self-build plots on land to the east of Sedgefield Community College and to the north and south of Butterwick Road, Sedgefield (for copy see file of Minutes).

H Jones, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer informed the Committee of the following updates:

- A further two letter of objection had been received which re-iterated concerns raised in other letters of objection;
- Highways England was now satisfied with the Transport Assessment and had lifted its holding direction. Therefore, should Committee resolve to grant planning permission there would be no needed for it to be 'minded' to approve;
- The Travel Planning Team was now satisfied with the submitted travel plan;
- An additional geo-physical field report had been received, however, archaeology officers still considered that a field evaluation was necessary.

Councillor J Robinson, local Member, addressed the Committee to agree with the officer recommendation that the application should be refused. Objections to the application had been raised by the Council's Archaeology Officers, Design and Conservation Officers and by Landscape Officers. The application conflicted with Part 11 of the NPPF and the harm caused by the development was also contrary to design principles contained within Policy D1 of the Sedgefield Borough Local Plan. Councillor Robinson informed the Committee that he was Chair of Governors at Sedgefield Community College and was unaware of any discussions between the applicant and the College about proposed path linkages.

The extra traffic generated from the development would have an impact on the Road A689 which had already had traffic measures installed due to the number of collisions on it.

Local residents had not been consulted on the application, which if approved, would create a new village tagged onto the end of Sedgefield in a most important Conservation Area.

Councillor Robinson urged the Committee to vote for the officer recommendation and to refuse the application.

Sarah Guest of Sedgefield Village Action Group addressed the Committee to object to the application. This application was for a development on an exceedingly large scale and would change the character of the village of Sedgefield. The green fields surrounding Sedgefield were what gave it its rural identity and this development proposed to build on these green fields. The applicant had previously expressed a wish to build 2,000 houses in Sedgefield and it was feared that this application could lead to other applications for further development. Brownfield sites which were appropriate for development had been identified within the Parish boundary and an application for 25 dwellings on a brownfield site was currently being

considered. The development would have an impact on amenities, with Northumbrian Water stating that the Sedgefield Sewerage Treatment Works was nearing capacity and only had capacity for an additional 300 dwellings. The development would also impact on car parking in Sedgefield and would shift the centre of the village. The site for the proposed development had been ranked as 7th of 7 development sites in the Sedgefield Preference Survey of local residents. Ms Guest asked the Committee to reject the application.

Neil Westwick, speaking on behalf of Storey Homes and Durham Diocese Board of Finance informed the Committee that this was a deficient application in that the relevant archaeological fieldwork had not been undertaken and this could not be addressed by Condition. Objections to the application had been made by the County's Design and Conservation, Landscape and Sustainability Officers. The development site was not contained and could be subject to land creep from further applications.

Mel Carr addressed the Committee to object to the application. The proposed development would lead to a 20% increase in the number of properties in Sedgefield, and this did not include the two proposed care facilities and would result in the population of Sedgefield increasing by 22%, from some 5,200 to 6,300. There was no defined boundary to the development site. Planning permission had already been granted for a 330 static caravan park at Hardwick Park which would lead to increased demands on the sewerage treatment works. The proposal conflicted with the NPPF, was too large scale, would have a negative impact on parking in Sedgefield, would have an impact on road safety and would have an impact on infrastructure.

Colin Haylock addressed the Committee on behalf of the applicant.

The report on the application recommended refusal for two reasons, one of which related to potential archaeological sensitivity. Mr Haylock informed the Committee that his previous experience included over 10 years of responsibility for the management and planning dimensions of archaeology for all 5 former Tyne and Wear Districts. From this experience Mr Haylock assured the Committee that there were no aspects of the potential archaeological sensitivity which could not reasonably be handled through pre-commencement conditions and there was therefore no risk.

The second reason for refusal was, in essence, that by reference to Paragraph 14 of the NPPF, the impact of the development on the character and landscape setting of Sedgefield significantly and demonstrably outweighed the benefits of the proposal.

On a previous application at Eden Drive, Sedgefield, Council Officers had concluded that, despite its conflict with the Sedgefield Local Plan Green Wedge Policy, the impact of the development on the setting of the town was outweighed by a development which brought only housing and some s106 benefits to the town and the proposed development site had a clearly defined edge of development. The developer for today's application had also defined an edge to the development.

The County Planning Committee in April 2016 rightly did not agree with this evaluation and refused the Eden Drive application.

This application had been designed to maximise benefits to the town while minimising impacts. Proposed s106 contributions were similar to those for the Eden Drive application but the development brought a much wider range of benefits to the town. It provided a more diverse range of housing including bungalows, self-build plots and a care home and assisted living development, a community and youth building and recreation space and an employment development hub with two new employment units. It also offered the potential of a drop-off facility for school buses avoiding routes through the core of the town and more direct pedestrian connection between the Orchard Estate and the Community College.

All of the benefits were phased in the early stages of the development, making the best use for the town of the medium term 300 unit capacity of the sewerage works.

The Independent Examiner for the Sedgefield Neighbourhood Plan had addressed the requirement for the Plan to provide for sustainable growth. He had recommended a loosening of constraints on the scale and location of development but had endorsed the protection of the area covered by the green Wedge Policy. This application was not in conflict with Neighbourhood Plan issues.

The non-housing proposals flowed very strongly from careful consideration of and response to the social and economic aspirations of the Neighbourhood Plan. Many of these aspirations required funding which could only reasonably flow from surplus on development which would not itself not realistically flow from smaller scale development of brownfield sites within a built up area.

Mr Haylock therefore questioned where the impacts which significantly and demonstrably outweighed the benefits were.

By contrast to the west and south west of the town, the east of the town to the north of Beacon Lane the edge of the town was defined by a very thick hedgerow, the Community College, the Industrial Estate and the rear of Sainsbury's superstore. Development on this edge did not impact on views out from the town.

Viewing into the town there were two differing contexts.

South of Butterwick Road there were no public routes into the countryside and the only views of the town were from the A689. Viewed from Green Hill the development area was screened by the intervening Donwell Farm complex, rolling landform and substantial hedgerows. Closer in there was an aerial view into the town along Beacon Lane. This view was protected by the development on the Beacon Lane site being very substantially set back from Beacon Lane and the Victorian Cemetery at its town end.

North of Butterwick Road the situation was very different. The urban edge was very prominent in close in approach views along Butterwick Road and from the footpath up to and beyond Rydal Farm. The proposed development would be locally visible here, but a well-designed and highly landscaped housing development with a

strongly landscaped defining edge formed a much better edge to the town than that which currently existed. The applicant could not understand how the impact on this edge could be seen to significantly and demonstrably outweigh the benefits of the application.

The Committee felt that officers were wrong in their balancing on the Eden Drive application and the applicant trusted that the Committee would agree that officers were wrong again on this application. Mr Haylock asked the Committee to grant conditional consent for the development proposed in the application and establish this as the best way forward in using the limited medium term infrastructure capacity on the town. Regarding archaeological sensitivity, the Committee could be minded to grant consent subject to trenching works being carried out.

Councillor Taylor informed the Committee that he had listened to and considered all contributions put forward and considered it to be an inappropriate application. He **moved** approval of the officer recommendation, that the application be refused.

This was **seconded** by Councillor Blakey.

Councillor Clare informed the Committee that he had always argued that towns needed to grow, but that any growth needed to be appropriate. Although he considered that the representative for the applicant had made some relevant arguments in his presentation, he did not consider this to be an appropriate development and intended to agree with the officer recommendation.

Councillor Conway informed the Committee that he supported the officer recommendation. Although he appreciated and accepted that settlements changed and needed to develop, and that the representative for the applicant had made some good points regarding character and visual incursion, the size of the development and the 20% and 22% increases referred to by Mr Carr made this development out of synchronicity with Sedgfield.

Councillor Davidson informed the meeting that there had not been many questions from Members on this application and this was a testament to the officer's report.

Councillor Richardson informed the Committee that he agreed with the officer recommendation and that the development would lead to the loss of top grade agricultural land.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons stated in the report.

b 7/2011/0293/DM - Land south of Harap Road, Garmondsway, Fishburn

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of one 500kw wind turbine with ancillary development including access tracks and crane pads on land to the south of Harap Road, Garmondsway, Fishburn (for copy see file of Minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that at its meeting in October 2015 it had resolved to grant planning permission for two wind turbines on agricultural land south of Harap Road, near Fishburn but the decision notice had not yet been issued. Immediately following the Committee's resolution the Council received a significant number of representations in relation to aviation safety concerns in relation to the adjacent Fishburn Airfield and an objection from the Ministry of Defence. Following legal advice it was considered that the decision should not be issued at that time, in order to give further consideration to the matter. The proposed development had since been amended reducing from two turbines to one, with the applicant relying upon information submitted with the original application. The Senior Planning Office also referred to a Written Ministerial Statement (WMS) issued since the meeting in October 2015 which required wind turbines to have the support of the local community. Although the assessment of other matters was unchanged, the officer's overall assessment was now to recommend refusal of the application on the grounds of aviation safety and failure to meet the requirements of the WMS.

Councillor Shield informed the Committee that all local Parish and Town Council's objected to the application as had internal consultees. There were grave safety concerns regarding aviation and he **moved** the officer recommendation, that the application be refused.

Councillor Jewell acknowledged the concerns regarding aviation safety and asked whether the turbines could be switched off during the hours of operation of the nearby airfield. The Principal Planning Officer replied that it was not reasonable to turn wind turbines on and off.

Jeff Pike of Fishburn Aviation Ltd informed the Committee that the proposed wind turbine would be directly under the flight path of planes using the airfield and would be a physical obstruction whether they were working or not and would also be a visual distraction. Because of prevailing winds aircraft were asked to approach the airfield in a direction which would be directly above the wind turbine and aircraft would therefore be in a wind plume at a time they were slowing to land, which was a time when they had reduced manoeuvrability. Over 50% of the aircraft which used the airfield were either microlights or lightweight sports aircraft.

Councillor Jewell **seconded** refusal of the application.

Councillor Lumsdon thanked officers for their re-assessment of this complex issue. While she appreciated that wind turbines were drivers for farmers, this application would lead to two businesses being in conflict and also to safety concerns for the users of one of the businesses. Councillor Lumsdon agreed that the application should be refused.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons stated in the report.

Councillor Lumsdon left the meeting

c DM/15/02326/OUT - Land North of West Chilton Terrace, Chilton

The Committee considered a report of the Senior Planning Officer regarding an outline proposal for up to 135 dwellings. 13 Research and Development, Industrial and Light Industrial Buildings (12,520 sq.m total, B1 and B2 use), cemetery extension and associated landscaping (all matters reserved except access) on land to the north of West Chilton Terrace, Chilton (for copy see file of Minutes).

A Inch, Strategic Team Leader gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Blakey asked whether there would be any s106 money from the application. The Strategic Team Leader replied that while there would be a s106 agreement to secure the provision of 15% affordable housing. Open space would be secured on the site and there were also sufficient school places available, and therefore there was no need for any financial contributions.

Councillor Clare informed the Committee that this area of the County was desperate to develop and that the proposed industrial development was welcomed. However, the siting of housing close to a business development led him to seek an assurance there would be no conflict between residents of the housing and business users. He **moved** approval of the application.

The Strategic Team Leader replied that there were Conditions proposed in the planning approval for the business development which related to noise levels, hours of operation and use restrictions. There was also the opportunity to provide a substantial buffer between the residential units and the business units.

Councillor Conway, in **seconding** approval, informed the Committee he was delighted that a Construction Management Plan was included as a condition to the permission. He asked whether the s106 15% affordable housing condition had been agreed with the developer.

The Strategic Team Leader replied that this obligation had been proposed by the developer and it would be secured by a s106 Legal Agreement.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a s106 Legal Agreement to secure the provision of 15% affordable housing units and to the conditions contained in the report.

d DM/15/03748/WAS & DM/15/03747/WAS - Eldon Brickworks, Eldon, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding applications for a change of use to materials recycling facility (DM/15/03748/WAS) and reuse of existing materials storage area (DM/15/03747/WAS) at Eldon Brickworks, Eldon Estates, Eldon. Bishop Auckland (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Pemberton, local Member addressed the Committee. She informed the Committee that she was also expressing the views of Councillor Nicholson, local Member. The application site was in an area formerly classed as Category D and was in the highest 10% level of deprivation. The jobs which would come with the application were therefore a telling consideration. The Conditions proposed for the planning permission were very helpful and met the concerns of the community, in particular the restriction on operating hours and the voluntary 30 m.p.h. limit through Old Eldon. Councillor Pemberton, in supporting the application, requested that a liaison committee be established between the operators of the site and the local community. Councillor Davidson informed Councillor Pemberton that the establishment of a liaison committee was Condition 16 of the proposed planning permission.

Councillor Clare informed the Committee that he had lived near to this site and agreed that this application was an opportunity for the area. He asked whether the proposed 50 jobs would be full-time jobs. Referring to the environmental impact of dust, noise and smells Councillor Clare informed the Committee that waste would be processed inside of a building which would have negative pressure and that fumes would be channelled through the existing tall chimney on the site. Any crushing activities would take place well away from the processing building. Councillor Clare expressed concern about the narrowness of the road which would be accommodating vehicles to and from the site, especially the potential hazard for cyclists, and asked whether there could be any condition regarding the size of lorries using the road. Councillor Clare **moved** approval of the application.

John Wood, applicant, informed the Committee that it was proposed to create 50 full time jobs and that training would be provided. Referring to the size of lorries, the proposed route for traffic was already a designated HGV route which had previously been used when the brickworks were in operation.

J McGargill, Highway Development Manager informed the Committee that the number of vehicle movements generated by the development would be similar to

those which used the former brickworks. The chance that lorries would pass each other at the same time was remote, although he agreed if this did happen it would create an uncomfortable environment for cyclists and pedestrians.

Councillor Holland, in **seconding** approval of the application, informed the Committee that he had been impressed by the facility during the site visit and the application made good use of a redundant site. He asked what was being done to ensure that traffic using the site followed the correct traffic flow.

The Senior Planning Officer replied that there were highways conditions in the planning permission regarding 'turn left' road markings on the road and the trimming back of trees. Although these conditions had already been met by the applicant it was intended for them to remain as conditions on any planning permission.

Upon a vote being taken it was:

Resolved:

That the application be approved subject to the conditions contained in the report.

Councillor Blakey left the meeting.

e DM/16/01442/WAS - Civic Amenity Site, The Green, Stainton Grove

The Committee considered a report of the Senior Planning Officer regarding an application for a new Household Waste Recovery Centre including sorting facility. Resale shop and staff facilities at the Civic Amenity Site, The Green, Stainton Grove (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout.

Councillor Davidson informed the Committee he was pleased that a resale shop was part of the proposed development.

Councillor Richardson informed the Committee that the site was within his Electoral Division. He had visited the site with the owner of an adjacent field who had expressed concerns about a deep gutter, or gully, along the edge of the proposed building. This gully had not been cleared since the site was in MoD ownership some 50 years ago and the gully was blocked with vegetation and tree growth. While Councillor Richardson had no objection to the application he requested that the gully be cleaned before the development commenced and asked whether this could be a condition of the planning permission.

The Senior Planning Officer replied that this would be looked in to, but land ownership and the ability to carry out such works would first need to be confirmed. L Renaudon, Planning and Development Solicitor asked why it would be required to clean the gully as part of the application. If the land was owned by the Council

then the gully should be cleared as part of the Council's responsibility towards neighbours.

Councillor Davidson informed Councillor Richardson that his concerns would be fed back to appropriate officers.

Moved by Councillor Richardson, **Seconded** by Councillor Jewell and

Resolved:

That the application be approved subject to the conditions contained in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02064/FPA
FULL APPLICATION DESCRIPTION:	Erection of turbine no. 1 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications)
NAME OF APPLICANT:	Mr A Thompson
ADDRESS:	Pundergill, Rutherford Lane, Brignall, Barnard Castle
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Henry Jones, Senior Planning Officer Henry.jones@durham.gov.uk , 03000 263960

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises agricultural land that lies approximately 350m to the south of the A66 and to the west of Rutherford Lane. The watercourse of Punder Gill runs roughly east west to the north of the site.
2. The nearest residential properties outwith the applicants control are situated 380m to the north east at North Bitts, 460m to the east at Dent House Farm, 400m to the south at Timpton Hill and 450m to the west at South Flats. Dent House farmhouse and its adjacent outbuilding is a grade II listed building. The nearest Public Right of Way (PROW) is No.5 Brignall which commences/terminates on the eastern side of Rutherford Lane 185m north east of the application site.
3. The south eastern extent of the North Pennines AONB lies approximately 1.9km to the south of the site, whilst the site itself is designated as an Area of High Landscape value in the Teasdale Local Plan. The nearest site of Special Scientific Interest (SSSI) lies approximately 1.4km to the west of the site.

The Proposal

4. Planning permission is sought for the erection of a single 250kW wind turbine of some 46.3m in height to its tip. The turbine would have a monopole mast of some 30m in height with a two blade rotor. In addition to the turbine itself, there would be the creation of an access track directly off Rutherford Lane for delivery, erection and engineering works, a concrete hard standing area, and the erection of a substation immediately to the north of the turbine.
5. A second turbine of the same specification is also the subject of a separate planning application and would be located some 220m to the north of the turbine subject of this report. The turbines would share a gird connection and as such there would be an underground trench running between the turbines.

6. The application is reported to County Planning Committee at the request of Councillor Richard Bell on the grounds of significant visual intrusion into open countryside.

PLANNING HISTORY

7. There have been no previous planning applications for wind turbine developments.

PLANNING POLICY

NATIONAL POLICY:

8. 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’.
9. 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.
10. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourages the use of renewable resources (for example, by the development of renewable energy).” The NPPF also states in paragraph 98 that “when determining planning applications, local planning authorities should:
 - Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions...
 - Approve the application (unless material considerations indicate otherwise) if its impacts are (or can be) made acceptable.”
11. *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.
12. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural

businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

13. *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.
14. *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 policies and 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.
15. *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.
16. *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.
17. *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 including Areas of Outstanding Natural Beauty, recognising 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.
18. It is stated that development on land within or outside an SSSI likely to have an adverse effect on an SSSI (either individually or in combination with other developments) should not normally be permitted. Protection to other European sites is given (SPAs and SACs). It is stated that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.
19. *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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

20. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters including of most relevance to this application a dedicated section on renewable and low carbon energy.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

Teesdale Local Plan (adopted 2002) (TLP)

21. *Policy GD1– General Development Criteria* – permits development that (inter alia) is in keeping with the character and appearance of the area, and would not unreasonably harm the rural landscape of the area.
22. *Policy ENV1 – Protection Of The Countryside* – allows development in the countryside for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the site and where it conforms with other policies in the plan provided that it does not unreasonably harm the landscape and wildlife resources of the area.
23. *Policy ENV2 – Development Within Or Adjacent To The North Pennines AONB* – only permits development capable of protecting the landscape quality and natural beauty of the designated area.
24. *Policy ENV3 – Development Within Or adjacent To An Area Of High Landscape Value* – allows development only where it does not detract from such an area's special character and pays special attention to the landscape qualities of the area.
25. *Policy ENV4 – Historic Parks And Gardens* – seeks to protect the historic character and appearance of historic parks and gardens as designated by English Heritage and within these areas only new development proposals that are compatible with existing uses already within the area and specific following criteria will be granted planning permission.
26. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* – proposals which may affect a nature conservation site of international importance, will be subject to the most rigorous examination. Proposals not connected to and related to the management of the site will not be permitted if they have significant effects on the site, unless there is no alternative solution and there are imperative reasons of overriding public interest for the proposal. Approved development will be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected.
27. *Policy ENV6 – Safeguarding of Sites of Special Scientific Interest and National* – Proposals for development in or likely to affect SSSIs (including national nature reserves) will be subject to special scrutiny. Where such development may have an adverse effect on the SSSI, directly or indirectly, it will not be permitted unless the reasons for the development, including the lack of alternative solutions to that being proposed, clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites. Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures.

28. *Policy ENV7 – Development affecting Local Nature Conservation Sites* – Development proposals, which are liable to damage the nature conservation value of sites, notified to the district council as being of local nature conservation importance will not be approved unless: the case for development clearly outweighs the need to safeguard the intrinsic value of the site, and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
29. *Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law* – does not permit development which would harm any animal or plant species afforded special protection by law.
30. *Policy ENV12 – Protection of Agricultural Land* – states that development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
31. *Policy ENV14 – Protection of Water Quality* – states development will not be permitted which would unacceptably prejudice the quality of surface or ground water.
32. *Policy ENV15 – Development Affecting Flood Risk* – state development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment.
33. *Policy ENV16 – Development Affecting Rivers Or Streams and Their Corridors* – states that the Council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
34. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building* – precludes development that would adversely affect the character of a listed building or its setting.
35. *Policy BENV11 – Archaeological Interest Sites* – requires a field evaluation to be submitted prior to determination for a development that may affect a known or potential site of archaeological interest. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments affecting sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
36. *Policy C5B – Wind Farms outside the AONB* – permits wind farms of two or more turbines outside the AONB if a number of criteria are met. These being: a) there would not be unacceptable harm to the amenity of nearby residential occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light; and b) the development, including servicing roads, any buildings and all transmission lines between the development and point of connection to the grid would not unacceptably harm the character and appearance of the area; and c) the development would not unacceptably harm the landscape of the area, nor unreasonably damage the landscape setting of adjacent land falling within the North Pennines AONB and/or

Yorkshire Dales National Park; and d) the topography of the site has been taken into account for the locality; and e) there would not be unacceptable harm to wildlife; and f) there would not be unacceptable harm to an area of archaeological importance; and g) the turbines would not cause unreasonable harm to the performance of military radar or hazard to military low flying operations. The Policy requires that proposals should include provisions that the turbines are painted in a suitable colour, that any associated buildings are constructed in materials appropriate to the locality, and that any transmission lines between individual turbines and any associated transformer building are located underground. Proposals should conform with Policies GD1, ENV5, ENV6, ENV7, ENV8, and BENV11.

37. *Policy C6 – Other Forms of Renewable Energy* – states that single turbine proposals will be permitted provided they do not unacceptably harm the character and appearance of the area, the amenity of occupants of nearby residential property, the ecology of the area, areas of archaeological importance and the performance of military radar or military low flying operations. Proposals should conform to Policies GD1, ENV5, ENV6, ENV7, ENV8, and BENV11.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
<http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>
(Teesdale District Local Plan)

EMERGING POLICY:

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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Bowes Parish Council* – Raise objections. The harmful impacts of the development outweigh the limited renewable energy benefits. The harmful impacts are explained as being the impact upon the landscape and the dangerous distraction to motorists. Concerns are expressed that a precedent may be set. Concerns are expressed regarding the adequacy of the landscape and visual impact assessment within the application and consider that the application includes a number of discrepancies and inaccuracies and the application should be refused on these grounds. The application fails to recognise that the site is located within an Area of High Landscape Value or that the turbine would be visible from the Area of Outstanding Natural Beauty (AONB). The Reference is also made to a refused application for a turbine at nearby Hulands Quarry and that circumstances have not changed.
40. *Rokeby, Brignall and Eggleston Abbey Parish Council* – raise objections. The development will be intolerable to neighbouring occupiers and cause a devastating impact upon the landscape. The proposal is described as bizarre.

41. *Highway Authority* – raises no objections to the application subject to a condition requiring the submission of details of a swept path analysis for delivery vehicles entering the site at the junction with the C166 Rutherford lane.
42. *Highways England* – raise no objections subject to the imposition of planning conditions that no vehicular movements associated with the construction or development of the site require special permission as abnormal loads and that access is taken from Rutherford Lane not the A66(T).
43. *Natural England* – raise no objections. It is advised that the proposal is unlikely to affect any statutorily protected nature conservation sites. Advice should be sought from the North Pennines AONB Partnership in relation to impact on protected landscapes. Standing advice is referred to in respect of protected species.
44. *NATS* – raise no objections. It is advised that the proposal does not conflict with their safeguarding criteria.
45. *Ministry of Deference* – raise no objections. In the event of an approval a condition is requested that the date construction starts and ends; the maximum height of construction equipment and; the latitude and longitude of the turbine are provided.
46. *Drainage and Coastal Protection* – raise no objections in principle. Advice is provided in relation to surface water run-off from the access track onto adjoining land or the highway and in relation to the impacts upon the adjacent watercourse if works to it are necessary.
47. *Durham Tees Valley Airport* – raise no objections in relation to aerodrome safeguarding.

INTERNAL CONSULTEE RESPONSES:

48. *North Pennines AONB* – raise objections. Although the site is outside of the AONB boundary they consider that the proposal would have a material impact on the designated landscape. They consider that the proposed turbine sits in a relatively open landscape where it would be prominent and would clearly interrupt views from sites within and around the AONB, such that in more distant views from within the AONB the turbine is likely to be a dominant feature in the landscape.
49. *Landscape* – raise objections. The landscape and visual effects of the proposals, both together and individually would be unacceptable and in clear conflict with landscape related policies. Correctly presented visualisations from more appropriate agreed viewpoints, and a fuller analysis of the effects, would only make this more apparent. It is confirmed that the site lies within a designated Area of High Landscape Value (AHLV) and the turbine would be visible from the AONB. The turbine would potentially appear visually dominant and overbearing impact at the nearest residential receptors.
50. *Design and Conservation* – raise objections. The application submissions with regards to heritage assets are considered inadequate and fail to meet necessary standards for such an application. Notwithstanding this the views of Landscape are concurred with in that the visual impacts of the development will be wholly negative.
51. *Ecology* – raise no objections. Mitigation measures with respects to water voles and bats should be conditioned in the event of an approval. Some displacement of bird

species would occur. There is some lack of detail with regards to collision risk data in respect to birds.

52. *Spatial Policy* – advise that whilst the NPPF is supportive of renewable energy development, new guidance is clear that community support needs to be proven and even single turbines should be located within areas identified in Local Plans or Neighbourhood Plans. Significant weight should be given to saved local policy, PPG and new Government Policy set out in the Written Ministerial Statement.
53. *Access and Public Rights of Way* – raise no objections. The nearest PROW (Public Footpath No. 5, Brignal) should remain unaffected by the proposal.
54. *Archaeology* – raise no objections. Although the A66 is on the line of a Roman road, there is no evidence at present to suggest any roadside occupation at the proposed turbine site, and as such, no archaeological investigation is required.
55. *Environment, Health and Consumer Protection (Noise)* – raise objections. Additional report assessment including raw noise data is requested. It is considered that the sound level meters were not located in the most representative of locations. Additional information is required before a full and reasoned response could be issued.
56. *Environment, Health and Consumer Protection (Contaminated Land)* – no objections are raised and no condition are required to be imposed.
57. *Sustainability* – have no comments to make.

PUBLIC RESPONSES:

58. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 43 letters of representation have been received 41 raising objection to the development, 1 raising support with 1 request from the local Councillor that the application be heard at Committee. The matters raised are summarised below.

Principle of the development

- The development is a commercial wind farm with all energy directed into the National Grid
- Applicants have an intention to construct further turbines and this proposal would create a precedent
- Wind turbines are inefficient
- There are economic “distortions” with regards to wind development
- County Durham has enough wind turbines

Visual and Landscape Impact

- The proposal would be dominant in the landscape and conspicuous
- Harm to the beautiful countryside of the area
- The two-bladed design exacerbates the harmful impact
- Harm to the “priceless” and unspoilt Teesdale landscape
- Harm to the AONB

Residential Amenity

- Harm to amenity and health in general
- Dominant, oppressive and overbearing impacts
- Harmful noise impact and noise assessment undertaken is inadequate
- Harmful impacts of shadow flicker

Ecology

- Impact on nature conservation and wildlife
- Concern with regards to impact on nearby Sites of Special Scientific Interest including Kilmond Scar, Brignall Banks and Mill Wood
- Birds may be killed and displaced

Heritage

- Harm to the Barningham Moor Neolithic site
- Harm to Bowes Museum
- Harm to Eggleston Abbey
- Harm to Barnard Castle Conservation Area
- Harm to the castle at Barnard Castle
- Impacts upon the listed Bowfield Cottage have not been considered

Highway Safety

- The turbine will be distracting to motorists

Other Issues

- Impact on property values
- Harmful impacts will affect tourism in the area including harmful impact upon holiday cottage business
- Impacts upon Ancient Woodland
- The application is not supported by an Environmental Statement (ES) having regards to the Environmental Impact Assessment (EIA) Regulations
- Should planning permission be approved then conditions should be attached which restrict the power output to 250kw and which prevent future wind turbine development
- Reference is made to appeal decisions and case law which are considered relevant and support refusal of the proposal

59. *Open Spaces Society and Ramblers Association* - raise objections. It is considered that the high landscape value of the location is inappropriate for industrial turbines, which would be damaging to local residents and tourists. The likely distraction to motorists and the inaccuracy of submitted information is highlighted including visualisation submissions. Reference is made to the wind turbine proposal at Hulands Farm which was dismissed at appeal.

60. *Campaign to Protect Rural England (CPRE)* – raise objections. The proposed turbine would be sited close to the AONB and as a result the AONB guidelines in respect to wind turbine development are considered relevant. Views to and from the AONB would be detrimentally affected. Concerns are raised with regards to the potential impact of the turbines upon residential amenity. Concerns are expressed with regards to the lack of clarity within the application as to whether a 250kw or 500kw turbine is proposed and the difference that this would make in respects to

noise impact. The turbine would be visible from Bowes Museum and potentially Eggleston Abbey and the castle at Barnard Castle. The pre-application consultation process undertaken by the applicant is criticised. The site is not identified within a Local Plan as being suitable for wind development. Appeal decisions in respect to public consultation requirements and interpretation of sites identified as being suitable for wind development are cited.

61. *South Teesdale Action Group (STAG)* – raise objections. Objections are raised with regards to both the application process and impacts of the development. The adequacy of the applicants mandatory pre-application consultation requirements are challenged on the basis of the following; that the pre-application consultation presented a proposal for two turbines yet two separate planning applications each for a single turbine have been submitted; the owner of the Tipton Hall Barn was not notified; a website has not been kept up to date and contains information contrary to application submissions; the applicants statement that press publicity has occurred has been overplayed; best practice guidance has not been followed. Evidence to support the point that the pre-application public consultation process has been inadequate in the form of Council and Planning Inspectorate documentation is provided.
62. A host of inaccuracies and discrepancies are considered to be contained within the application; distances detailed to neighbouring property; the power output of the turbines; ecological surveying is considered inadequate and inaccurately refers to alternative development proposals; reports are marked for the use of only one applicant but are being referenced in both applications; heritage assessment is inadequate; photomontage locations are incorrect; noise assessment reports are inadequate, contain missing data and the data was collected at incorrect locations; the application states that the land is not within a designated Area of High Landscape Value and this is incorrect; some documentation states that the turbine is proposed to be white and in others grey; the submitted Landscape and Visual Impact Assessment is inaccurate in respects to its presentation of cumulative impact; the application inaccurately describes the turbine as “small scale”; the bird report inaccurately states the height of the turbine; the documentation is confusing in respects to how many turbines are being applied for; the application does not take account of Tipton Hill Barn which received planning permission for residential occupation; submissions with regards to shadow flicker are inadequate - North Bitts may receive shadow flicker impact and the assertion that the occupants are financially involved therefore removing the issue is disputed, South Flatts garden could be affected.
63. Reference is made to consultation responses on the application which highlight the considered inadequacy of some of the application documentation. It is considered that the application constitutes EIA development and that the application should be accompanied by an ES. The supportive comments received from the National Farmers Union are generic and not specific to the proposal.
64. Harm on the grounds of landscape and visual impact is cited including in regards to the AHLV and AONB. The development would be visible from the Yorkshire Dales National Park. Harm to residential amenity is raised with the turbines dominant in relation to the nearest properties. Examples of appeal decisions where the application for wind turbine development has failed to address impacts identified by local communities are cited. Ecological concerns are raised with particular concern raised with regards to potential impacts upon a variety of bird species and potential links between birds passing the site and Special Protection Area(s). The applicant cannot implement the submitted ecological management plan as their holding does not encompass all of the land. With regards to bats Punder Gill farmhouse and

buildings have been classed as medium to high risk and yet the submissions state that access has been denied for surveying purposes. Noise impacts will be unacceptable to those living nearby and impacts would increase should the power output of the turbines increase. No economic benefits of the development exist. Reference is made to the proposals' considered conflict with national and local planning guidance including the Local Plan and NPPF.

65. *The Bowes Museum* – raise objections. Considerable concern with regards to the impact of the turbine upon the setting of the Grade I listed building and pre-eminent views of and from the site currently enjoyed.
66. *National Farmers Union* – support the development considering it important the application is approved to enable the farm business to continue to develop and remain profitable so as to maintain the social fabric of the countryside and make an important contribution to the rural economy.
67. *Durham Bird Club* – raise objections. Whilst it is accepted that the area does not have any specific wildlife designations it clearly contains a significant number of birds some of which are in decline and are target species for protection. The submitted documentation does not assess the potential for displacement. Particular concern is raised with respects to curlews.
68. *Cllr Richard Bell* – requests that the application be heard at planning committee.

APPLICANTS STATEMENT:

69. The proposed turbines have been the subject of careful planning and a continuous process of re-design, development and consultation over a period of 5 years.
70. The aim has been to produce a scheme that optimises renewable energy generation but which is sympathetic and respects the surrounding landscape.
71. Initially, the scheme proposed to erect 5 turbines on the site and consultation was held with various agencies and specialists to examine landscape, visual, ecological, historical and amenity impacts. A meeting was held on site with local councillors and officers to view a temporary mast and to assess visual impact. Discussions also took place with local residents, business people and the press.
72. After our initial feasibility the scale of the project was reduced down to 3 turbines and following further studies and consultation down to 2.
73. The proposed site lies next to the busy A66 in a pleasant landscape but one that has no national designation that makes it special or gives it greater protection. The AONB and Yorkshire Dales National Park lie some distance away and impacts here are deemed to be low or negligible. The Landscape and Visual Impact Assessment carried by 3dvs as part of the applicant's due diligence confirms this and also states there will be no impact on Egglestone Abbey or Barnard Castle Conservation Area.
74. It is the applicant's view that although the turbines will be visible, particularly at near distance, the overall impact upon character and appearance is no more than moderate. The turbines will be coloured grey and provide an acceptable contrast with the background landscape and help to assimilate them into the wider view. The blades will rotate at a very slow rpm and are less likely to attract the eye than faster rotating smaller machines.

75. Concerns were initially raised by the AONB officers regarding potential views from certain parts of the protected landscape but following an accompanied site visit and the production of further photomontages he accepted impacts were limited.
76. Although there have been a number of objections to the proposal only one objector lives within 0.5km of the nearest turbine and 7 within 2km. This represents only a tiny fraction of the people living locally, many of whom have expressed support for the scheme verbally.
77. The applicant is not an electricity generating company or an institutional investor from outside the district. They are ordinary local people whose family have lived in the area for generations and who are trying to develop a business to support themselves and help maintain and develop the farm. Indeed, the two applicants (two sons) inherited the farm when their father died and although both pursued alternative careers they now wish to return to their farming roots.
78. The proposed scheme will bring benefits to the area, generating renewable electricity, reducing greenhouse gas emissions and helping to address the effects of climate change as well as bring investment to the area and as well as work for local contractors.
79. We feel the concerns raised by residents have been satisfactorily addressed.

PLANNING CONSIDERATIONS AND ASSESSMENT

80. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations including representations received it is considered that the main planning issues in this instance relate to the principle of development, landscape and visual impact, impact on heritage assets, residential amenity, impacts on ecology and nature conservation, aviation and radar issues, highway safety, TV and other communication interference, pre-application consultation requirements and degree of community support. Other matters are also considered.

Principle of Development

81. TLP Policy ENV1 seeks to protect the countryside allowing for development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area. Renewable energy development is not cited as an example of development that is acceptable in the countryside in principle. The proposed development would be contrary to TLP Policy ENV1. TLP Policy ENV1 is restrictive and the approach is not fully in compliance with the NPPF and therefore limited weight is attributed to this Policy.
82. The TLP in Policy C5B contains a specific saved policy providing guidance on wind farm development outside of the AONB. The Policy specifically relates to proposals for two or more wind turbines and it may be argued that the Policy does not apply to an application for a single turbine. However, the cumulative impact of this proposal and that sought under the tandem application DM/02063/FPA must be considered and together, the two applications propose a total of two wind turbines. As a result it is considered that the Policy C5B remains relevant. The Policy sets out specific criteria relating to matters such as residential amenity, landscape impact and ecological impact which must met and these matters are considered within this report.

83. TLP Policy C6 relates to other forms of renewable energy development including proposals for single wind turbines (as this planning application proposes). Similarly this policy accepts such development in principle provided that unacceptable harm with regards to a range of material planning considerations does not result.
84. The thrust of guidance within TLP Policies C5B and C6 is generally aligned with the content of the NPPF in regards to renewable energy development. Both policies do, however, cross reference to Policy BENV11 (in relation to archaeological interest sites) which is considered only partially consistent with the NPPF and this is therefore considered to reduce their degree of consistency slightly. In addition PPG guidance references the Written Ministerial Statement 18th June 2015 (WMS) and advises that when considering applications for wind energy development LPAs should only grant planning permission if;
- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
 - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing
85. Neither TLP Policies C5B nor C6 are consistent with this element of the PPG advice. Neither TLP Policies C5B nor C6 identify areas suitable for wind energy development. Elsewhere in the PPG guidance, renewable energy development is supported in principle considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
86. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
87. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
88. It is noted that public opposition to the development includes objection to matters surrounding the need, merit and efficiency of wind energy development. The NPPF advises that applicants need not demonstrate an overall need for renewable energy and there are no renewable energy production ceilings for the north-east. The PPG advises that considering the energy contribution to be made by a proposal can be given weight in decision making particularly when a decision is finely balanced. The Design and Access Statement which accompanies the application states that the electricity generated from the turbine is proposed to feed into the National Grid and help meet the Government’s renewable energy targets and obligations. The proposal would make a relatively small but nevertheless a valuable contribution to these targets and obligations.
89. There is national support to the principle of on-shore wind energy development, being compliant with Part 10 of the NPPF. However, the acceptability of the scheme in terms of TLP Policies C5B and C6 rests with the assessment of the detailed issues and impacts, discussed in the following paragraphs of this report. The guidance provided within the WMS and PPG in regards to whether the development site is in an area identified as suitable for wind energy development and whether the planning

impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing are material considerations to inform on the decision.

Landscape and Visual impacts

90. The application is accompanied by a landscape and visual impact assessment (LVIA). The LVIA is accompanied by zones of theoretical visibility (ZTVs) to define the zone within which the turbine could be visible and a selection of viewpoints/visualisations to aid in the assessment of the effects of the development. Additional viewpoints/visualisations have been provided during the course of the application. In conclusion the submitted LVIA considers that landscape impact would be minimal across the landscape as a whole with notable impacts on the landscape character being restricted to 1 – 2km and visual effects within the area are described as not being significant.
91. The visual and landscape impacts of the development are amongst the most significant areas of concern raised in public responses to the application.
92. The NPPF advises at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) which have the highest status of protection in relation to landscape and scenic beauty.
93. The Yorkshire Dales National Park lies to the south at a distance of approximately 6.8km from the proposed turbine. The ZTVs including cumulative ZTVs indicate that turbine would be visible only on the very fringes of the National Park. Landscape officers do not raise objections with regards to the impact of the development upon the National Park. Both the Yorkshire Dale National Park Authority and Richmondshire District Council have been consulted on the application and no comments have been received. Given the distances between the National Park boundary and the proposed turbine and the evidence contained with the submitted ZTVs it is considered that no harmful landscape and visual impacts upon the Yorkshire Dales National Park would occur.
94. Alongside the National Park the AONB merits the highest level of landscape protection. The AONB is closer to the proposed siting of the turbine, approximately 1.9km to the south at the closest point.
95. Landscape officers confirm that the development would be visible from within the AONB as suggested by the ZTV submissions. LVIA visualisations submitted with the application present an example of where the turbine would be visible from within the AONB. AONB officers have raised objections to the development considering that the proposal would be prominent and would clearly interrupt views from sites within and around the AONB.
96. It is therefore concluded that adverse effects on the purposes and special qualities of the AONB due to the prominence and intrusion of the turbine in views both from within and indeed towards the AONB would occur thereby detracting from its wildness and remoteness.
97. The application site lies within a designated Area of High Landscape Value and reflects the sensitivity and valued nature of the landscape. The NPPF highlights at paragraph 109 the need to protect and enhance valued landscapes.

98. The two bladed design of the turbine is considered to compound the landscape and visual effects of the development as it can produce an unbalanced visual effect when rotating, and can seem to appear and disappear if the rotor is partly obscured, which draws greater attention from the viewer.
99. The content of the application documentation in regards to landscape and visual impact has received criticism within both public responses to the application and indeed from Landscape officers whom have stated of visualisations submitted within the application that they have not been produced to follow the standards contained within the Scottish Natural Heritage guidance “Visual Representation of Windfarms”, version 2.1, December 2014. The consequence of this is that the visualisations inaccurately reduce the landscape and visual effects of the turbines. Landscape officers highlight that there is ambiguity in the colour finish of the turbine and state that a RAL or BS 4800 colour should be agreed. A grey rather than white colour finish is more acceptable and ultimately a condition could resolve this in the event of any approval.
100. Overall Landscape officers consider that the visual effect of the proposed turbine and cumulative impact with the proposed turbine 2 (DM/15/02063/FPA) would be unacceptable with a strongly negative effect in terms of both landscape character and visual impact.
101. In conclusion officers consider that harmful visual and landscape effects would occur as a result of the proposed turbine and its cumulative impact with the proposed turbine 2. Harm would result to both the locally valued AHLV and also upon the AONB. The proposal is therefore considered contrary to the content of TLP Policies GD1, ENV2, ENV3, C5B and C6. These Local Plan policies are all considered to have significant resonance with the NPPF and can be attributed weight in the decision making process. The landscape and visual harm caused by the development is also considered contrary to paragraph 109 (Part 11) of the NPPF. Paragraph 98 (Part 10) of the NPPF advises that renewable energy developments should be approved if impacts are or can be made acceptable.

Impacts upon Heritage Assets

102. The application is accompanied by an Environmental Assessment document and this contains a section in respects to heritage. This involved a desk top search of heritage assets within 1km of the site with some additional reference to heritage assets beyond this search area. The nearest designated heritage assets to the application site are Bowfield Cottage (Grade II listed), Cross Lanes Farmhouse and adjacent outbuilding (Grade II listed), milestone 100m west of junction at B6277 (Grade II listed), Green Cottage (Grade II) listed, Boldron Farmhouse and attached barn to east (Grade II listed) and Denthouse Farmhouse and adjacent outbuilding (Grade II listed). The assessment considers that overall there would be no adverse effects upon heritage assets. The visualisations submitted with the application include some visualisations from heritage assets in the form of a view from within the grounds of the Bowes Museum and at Egglestone Abbey.
103. Design and Conservation have raised objections to the application considering that the application submissions with regards to heritage assets are inadequate. The applicant in the knowledge of the objections submitted a response and considered that the submissions were adequate to inform on the decision.
104. NPPF (paragraph 128) requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The level of

detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Officers consider that the level of detail within the application does not adequately describe the significance of heritage assets that may be affected. The heritage section to the Environmental Assessment fails to highlight all designated heritage assets within the 1km search area detailed with Bowfield Cottage not identified.

105. The detailed search area of 1km undertaken to support the application is considered inadequate to fully inform on the impact on the significance of heritage assets in the area. As a result it is considered that the application conflicts with the advice contained within paragraph 128 of the NPPF.
106. Paragraph 129 of the NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Notwithstanding the inadequacies contained within the submitted heritage assessment there is clear potential for harm to the setting of heritage assets as a result of the proposal. The application does include a visualisation taken from within the curtilage of the Bowes Museum and shows how the turbine would appear in views out to the south. The Bowes Museum is Grade I listed whilst its wider gardens are Grade II listed. Separately listed features and structures in the immediate vicinity including the terrace walls, steps and heraldic beasts (Grade I), two war memorials (both Grade II), entrance gates and lodges (Grade II*), basin (Grade II), bowling club building (Grade II) and sections of boundary wall and north piers and gates (Grade II listed). The Bowes Museum and associated garden and features are located approximately 2.8km to the north of the proposed turbine.
107. The absence of detailed assessment within the application of the impact upon the significance of these assets hinders the precise analysis upon them. However, it is certainly considered that the presence of a turbine to the south when viewed from the immediate surrounds and likely within the Grade I listed museum itself and from within the Grade II listed gardens would cause a degree of harm upon the setting and thereby significance of the assets. A visualisation accompanies the application and shows the visibility of the turbine from curtilage of The Bowes Museum. The degree of harm is considered less than substantial having regards having regards to paras 132-134 of the NPPF.
108. The Planning (Listed Buildings and Conservation Areas) Act 1990 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.
109. Potentially other listed buildings and designated heritage assets could be affected by the development and again the absence of detailed assessment within the application hinders precise analysis. Denthouse farmhouse and adjacent outbuilding (Grade II listed) are located approximately 460m east of the turbine. At such proximity a degree of harm upon the setting of this grouping is considered to result, again this would be less than substantial harm. Again a visualisation from the vicinity of the farmhouse shows the proximity and prominence of the turbine.
110. Due to the harm to the setting of the Bowes Museum, associated gardens and the Denthouse farmhouse grouping the application is in conflict with TLP Policies ENV4 and BENV3. Policy ENV4 is considered fully consistent with the NPPF and Policy BENV3 partially consistent and both can be attributed weight in the decision making process. The NPPF at paragraph 134 advises that where a development proposal

would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The conclusion addresses this balance.

111. Public responses to the application reference concern with regards to the impacts of the development upon other designated heritage assets with Egglestone Abbey, Barnard Castle Conservation Area and Castle specifically referenced. The application includes a visualisation from Egglestone Abbey (Grade I listed and Scheduled Monument) which indicates that the turbine would not be visible. No such visualisations are provided from the Castle at Barnard Castle (Grade I listed and Scheduled Monument) or Barnard Castle Conservation Area though the submitted ZTVs demonstrate potential intervisibility. Similarly there are a significant number of other designated assets within relative close proximity to the site including a significant concentration within the Barnard Castle area. Again the absence of detailed assessment within the application of the impact upon the significance of these assets hinders the precise analysis upon them and is reason to raise objection to the development.
112. Public concerns are raised with regards to the potential impacts of the development upon the nearby Barningham Moor Neolithic site. However, Archaeology raise no objections with regards to any potential impact in this regard and furthermore state that although the A66 is on the line of a Roman road, there is no evidence at present to suggest any roadside occupation at the proposed turbine site, and as such, no archaeological investigation is required. No objections to the development are therefore raised with regards to matters of archaeological having regards to the content of TLP Policy BENV11 and Part 11 of the NPPF. TLP Policy BENV11 is considered partially consistent with the NPPF and can be attributed weight in the decision making process.

Residential Amenity

Potential for Overbearing Impact/Visual Dominance

113. The evidence of past appeal decisions suggests that turbines are likely to be overbearing at distances closer than four times the turbine height and unlikely to be overbearing at distances of greater than seven times their height. At distance ranges in between, the acceptability of their impact is influenced by site-specific factors.
114. Seven times the tip height of the proposed turbine is 324.1m. Pundergill Farmhouse is located within 7 times the tip height of the turbine, approximately 295m to the north. The property is financially involved in the development, however. Furthermore to the immediate rear of the farmhouse dense landscaping would filter views of the turbine from the rear of the property and no objections are raised.
115. No other residentially occupied property is situated within seven times the tip height of the proposed turbine. North Bitts farmhouse is located approximately 380m to the north. Taking into consideration the distance to the turbine being in excess of eight times the tip height this turbine, individually would not cause an unacceptably overbearing or visually dominant impact. However, the turbine would cause a cumulative impact, contributing to the harm caused by the proximity of turbine 2 (DM/15/02063/FPA) which individually would create a dominating and overbearing impact. The submitted Environmental Assessment states that the owners of North Bitts are not financially involved. However, other documentation states that the owners are financially involved and the applicant has, to clarify the matter, since stated that the occupiers of North Bitts are part of the family of the applicant and

would be financially involved. On the basis of the confirmations of the applicant objections are not therefore raised to the impacts upon the occupiers of North Bitts. No letter of objection has been received from North Bitts.

116. Timplon Hill farmhouse is located approximately 400m south of the siting of the proposed turbine. The main, front elevation of the property would face towards the proposed siting of the turbine. However, with the distance to the turbine at almost nine times the tip height it is considered that no unacceptably overbearing or visually dominant impacts would occur.
117. A barn located to the north-east of Timplon Hill farmhouse gained planning permission for residential occupation in 2013. The barn is located 240m south of the proposed turbine and therefore just over 5 times the tip height from the turbine. Had the barn been residentially occupied officers consider that the siting of the turbine would create an unacceptable overbearing and visually dominant impact. However, the barn conversion has not been implemented and remains clearly last used for agricultural purposes. The planning permission does remain extant, however, until November 2016. However, as the conversion still requires implementation there is no current occupier upon whom harm to occur and as result it is considered planning permission should not be withheld on the basis of this impact.
118. Denthouse farmhouse is located approximately 460m to the east. The property is orientated so that main front and rear elevations face north and south and so are not orientated towards the turbine. In addition farm buildings are located immediately adjacent to the farmhouse and would screen views from within the dwellings towards the development. No objections are raised with regards to the potential for unacceptably dominant or overbearing impacts to occur upon occupiers of the property.
119. South Flatts Farm is located approximately 450m to the north-west. The property is orientated so that the main front and rear elevations face north and south and the turbine would be set on an angle to south-east reducing the potential for the turbine to appear visually dominant from the main elevations. It is acknowledged that areas of residential curtilage would be closer and would have views more significantly impacted upon. However, overall, taking into consideration the distances involved and orientation of the property to the turbine no unacceptably dominant or overbearing impact would occur upon the occupiers of the property.

Noise

120. The NPPF at paragraph 123 requires that local planning authorities consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
121. The PPG recommends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now cancelled PPS24, former national planning guidance in relation to noise, advised that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be

exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.

122. The application is accompanied by a noise assessment report. This identifies the nearest noise sensitive receptors as being Punder Gill (financially involved) and the non-associated properties of North Bitts Farm, Dent House Farm, Timplon Hill Farm and South Flats Farm. The applicant has since confirmed that North Bitts Farm is a financially involved property. The report considers that the predicted noise levels at the nearest noise sensitive receptors would be acceptable, causing no unacceptable loss of amenity and that the advice contained within ETSU-R-97 would be complied with.
123. Environment, Health and Consumer Protection raise objections, however. Environment, Health and Consumer Protection do not state that the turbine would necessarily cause unacceptable noise impacts, however, the level of detail contained within the application documentation is unacceptable in that it does not provide adequate information to fully inform an assessment. Additional report assessment including raw noise data is considered necessary and has not been provided. In addition the concern is raised that the sound level meters were not located in the most representative of locations to inform the noise assessment.
124. As a result objections to the development are raised. TLP Policies C5B, C6 and GD1 all seek to resist development which would result in unacceptable harm to the amenity of nearby residential occupiers whilst paragraph 109 of the NPPF advises that existing development should not be put at unacceptable risk of being adversely affected by noise pollution. A fully informed assessment as to the likelihood of this to occur cannot be undertaken on the basis of the submissions made.

Shadow Flicker/Reflected Light

125. Shadow flicker can occur within 130 degrees either side of north and the effect is unlikely to be significant in distances greater than 10 rotor diameters. There is some conflict in the submissions in regards to the rotor diameter of the turbine. The Environmental Assessment states that the rotor diameter is 32.6m whilst the shadow flicker report states 33.2m. The higher figure would result in a ten rotor diameter distance of 332m. The Environmental Assessment accompanying the application states that North Bitts could potentially be affected by shadow flicker. The further specific shadow flicker assessment relates to both turbine 1 subject to this application and turbine 2 subject to DM/15/02063/FPA. The assessment states that overall North Bitts Farm, Punder Gill Farm and a property identified as Gallows Hill could be affected by the two turbines. Diagrams contained within the report identify that turbine 1 could affect Gallows Hill and Punder Gill only. The property identified at Gallows Hill is actually understood by officers to be a non-residentially occupied agricultural building. Punder Gill could potentially be affected by shadow flicker from October through to March with between 33-140 minutes impact per day. Such a period of time is calculated on a theoretical worst case scenario basis with the rotor blades rotating for 365 days per year, the sun shining in a clear sky every day of the year and that there is no tree cover that may prevent windows being affected. However, Punder Gill is financially involved with the development and as a result objection is not raised.
126. Furthermore mitigation measures can be devised to control shadow flicker occurring if it arises, examples include through the provision of screening measures or

alternatively through controls to switch the turbine off in periods where shadow flicker can occur.

Impacts on Ecology/Nature Conservation

127. The application is supported by a number of reports in respects to ecology and nature conservation issues, namely; extended phase 1 survey; badger survey, water vole and otter survey, bat survey, bird survey and newt survey. These reports and survey work which informed them are of considerable age with the reports being dated from between February 2011 and April 2012. Furthermore reference is also made to differing wind turbine schemes to that now proposed under the applications for turbines 1 and 2. As a result the application is also accompanied by Ecological Impact Assessment report dated July 2015 the purpose of which was to undertake a review of the previous ecological assessments having regards to the development turbines 1 and 2 now proposed. The evidence of further protected species surveys dating from 2014 was also presented.
128. The submitted Ecological Impact Assessment identifies the presence of any statutory and non-statutory sites of ecological interest within a 2km radius of the site and any statutory sites only within a 10km radius. The nearest statutory designated sites are Kilmond Scar Site of Special Scientific Interest (SSSI) (approximately 1.4km to the west) and Brignall Banks SSSI (approximately 2km to the south). Thorsgill Wood is a non-statutory designated Local Wildlife Site and is located approximately 1.7km to the north.
129. The impacts of the development upon ecology and nature conservation assets are amongst the most significant and detailed of the public objections and concerns raised with regards to the development.
130. Natural England raise no objections. It is advised that the proposal is unlikely to affect any statutory protected nature conservation sites.
131. Ecology officers have submitted several comments in regards to the application, in part in response to specific concerns to emerge from the public consultation exercise. Ecology officers principal focus has been with regards to the potential impacts upon water voles, bats and breeding birds. In conclusion Ecology officers raise no objections to the application. Mitigation measures with respects to water voles and bats should be conditioned in the event of an approval. It is stated that some displacement of bird species would occur and there is some lack of detail with regards to collision risk data in respect to birds. However, despite this on balance it is considered that the impact upon protected species and statutory and non-statutory designated sites would be acceptable.
132. It is considered that the development would not adversely affect any European Protected Species (EPS) with no requirement to consider whether an EPS licence would granted having regards to Regulation 9(3) of The Habitat Regulations.
133. As a result officers raise no objections to the development with the proposals considered compliant with relevant TLP Policies GD1, ENV6, ENV7, ENV8 and ENV16 and part 11 of the NPPF. TLP Policies GD1, ENV6, ENV7, ENV8 and ENV16 are considered consistent with the NPPF and can be attributed weight in the decision making process.

Aviation and Radar Issues

134. Durham Tees Valley Airport have raised no objections in relation to aerodrome safeguarding. Newcastle Airport is located in excess of 30km from the site and is therefore not a statutory consultee.
135. NATS (National Air Traffic Service) have raised no objections. It is advised that the proposal does not conflict with their safeguarding criteria.
136. The MOD (Ministry of Defence) raises no objections. In the event of an approval a condition is requested that the date construction starts and ends; the maximum height of construction equipment and; the latitude and longitude of the turbine are provided.
137. Officers raise no objections to the development on the grounds of aviation safeguarding having regards to TLP Policies C5B and C6 and Part 10 of the NPPF.

Highway Safety

138. Vehicular access is necessary initially as part of the construction phase of the development and thereafter for routine maintenance purposes and ultimately decommissioning. Access would be gained via Rutherford Lane and over a 77m section of field to the precise siting of the turbine.
139. The submitted Design and Access Statement states that the turbine itself would be delivered on a HGV trailer with a maximum of 12 vehicle movements associated with the plant required during the construction phase, 2 movements for the turbine delivery, and 48 movements over an 8 week period associated with the electrical and ground works.
140. The Highway Authority has raised no objections to the application subject to a condition requiring the submission of details of a swept path analysis for delivery vehicles entering the site at the junction with the C166 Rutherford Lane. The Highway Authority raise no objections or concerns with regards to the proposed turbine creating any distraction hazard for motorists, a matter which has been raised within the responses to the public consultation exercise.
141. Highways England raise no objections with regards to potential impact upon the A66 subject to the imposition of planning conditions that no vehicular movements associated with the construction or development of the site require special permission as abnormal loads and that direct access to the site is taken from Rutherford Lane not the A66(T). The applicant has confirmed that adherence to the Highway Authority requirements is acceptable and can be complied with.
142. No objections are raised to the development on the grounds of highway safety with the development compliant with TLP Policy GD1 and Part 4 of the NPPF.

TV and other Communication Interference

143. Wind turbines have the potential to disrupt telecommunication links and cause interference to television reception. This risk is increased with larger wind turbines and multiple turbines. Reflection and diffraction of radio waves can occur causing a detrimental impact upon signals. Mitigation measures can be devised should the development pose issues in this regard and a condition requiring the investigation and implementation of such mitigation measures can be added to any approval.

Pre-Application Consultation Requirements

144. Responses to the consultation exercise on the application raise significant concerns in regards to the adequacy of the applicants pre-application public consultation exercises.
145. There is a legal requirement to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres as identified in Article 3 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. The requirements that must be fulfilled are set out in Sections 61W and 61X of the Town and Country Planning Act 1990 and Article 4 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. In summary a prospective applicant must;
- Publicise the proposal in such a way as the applicant reasonably considers is likely to bring it to the attention of a majority of the people who live at, or otherwise occupy, premises in the vicinity of the land;
 - Set out how persons may contact them regarding the proposal. The applicant must give sufficient information about the proposed timetable to ensure that people wishing to comment on the proposed development may do so in good time;
 - If they decide to go ahead with making an application for planning permission, have regard to any responses received when finalising the application to be submitted;
 - When submitting their application explain how the local community has been consulted, what comments have been received, and how account has been taken of those comments.
146. The application is accompanied by details of the pre-application consultation exercise undertaken and this includes copies of letters issued informing on the proposal; press article; copy of a site notice erected in the area; copies of responses received; and a community consultation statement which outlines the pre-application processes undertaken, assessment of the responses received and impact upon the final development proposals.
147. On the basis of the evidence submitted it is considered that the pre-application consultation exercise undertaken meets the legislative requirements.

Degree of Community Support

148. The WMS made 18th June 2015 set out new considerations to be applied to wind energy development. The PPG has also been updated to reflect the content of the WMS. The guidance includes advice that with regards to this application local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The PPG advises that whether the proposal has the backing of the affected local community is a planning judgement for the local authority. No definition of what constitutes the affected local communities is provided.
149. Based upon the responses received on the application considerably more letters of objection (44) have been received than letters of support (1). The objections

received include those from Parish Councils and local community groups and non-statutory bodies who have commented on the application. The single letter of support comes from the National Farmers Union rather than the local community as such.

150. It is considered that not all objections raised within responses to the application have been adequately addressed within the application submission. Objections and concerns raised in regards to landscape and visual impact, adequacy of the submissions in regards to heritage impact and the potential impact upon heritage assets at the Bowes Museum and the adequacy of the assessment of the noise impacts of the development are reflective of objections raised by officers within this report.
151. There is no definition of what constitutes the “affected local communities” within the guidance contained within the PPG and WMS. However, based purely upon the comments received and numbers of comments received representations are clearly opposed to the development.

Other Issues

152. Responses to the public consultation on the application raise concerns that approval of the application could set a precedent. However, each application is considered on its own merits and any grant of planning permission does not prejudice the assessment of any future proposals on their own merits.
153. Responses the public consultation exercise include comments that the application constitutes Environmental Impact Assessment (EIA) development (having regards to the EIA Regulations) and that the application should be accompanied by an Environmental Statement (ES). In 2010 the Council did issue a positive screening opinion in respect of a proposal for three wind turbines stating that the development would constitute EIA development. However, since this time further screening opinion has been undertaken in relation to a revised proposal totalling two turbines. A negative screening opinion was issued with the development considered to not constitute EIA development.
154. Public concerns are raised with regards to potential harm to ancient woodland. The closest areas of designated ancient woodland are at Mill Wood approximately 1.3 km south of the development at the nearest point. No impacts would result to the ancient woodland.
155. Public concerns raise the concern of the potential impact of the development upon property values, however, this is not a material planning consideration.
156. Public concern is expressed with regards to potentially harmful impacts upon tourism. In some regards there is resonance with the concerns already detailed in the report in terms of the harmful landscape impacts upon the area and AONB and also upon the Bowes Museum which are visitor attractions. Officers do not raise objections in more general terms, however, to the impact of the development upon tourism.
157. Public concern is raised with what the power output of the turbines is as there is some ambiguity as to whether the turbine is a 250Kw or 500Kw turbine. The applicant has confirmed that the turbine is to be a 250Kw output but that if in the future feed in tariffs permit consideration could be given to upgrade output to 500Kw. In the event of an approval a condition could ensure that the output is set at 250Kw so as to permit a review of any implications to any variation of this.

158. Public reference is made to reports which are marked for the use of only one applicant but are being referenced in both applications (turbines 1 and 2). Ultimately this is considered a matter separate from material planning considerations to be agreed between the parties.
159. Loss of agricultural land would result from the development. It is not known if the land or any parcel of it constitutes best and most versatile agricultural land though the application documentation states that it is not of higher quality. The NPPF at Paragraph 112 requires account to be taken of the economic or other value of the best and most versatile land. Where significant development is proposed, poorer quality agricultural land should be used rather than higher quality. In addition where significant loss of agricultural land would be demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. TLP Policy ENV12 provides similar advice and is considered consistent with the NPPF. In this instance even if the land did constitute best and most versatile land the amount of land which would be built upon is relatively small and it is considered that any amount of loss would not constitute the significant loss to which the NPPF refers.
160. Drainage and Coastal Protection raise no objections in principle to the development. It is advised that the access track and turbine area is designed so as to ensure that surface water does not run-off onto neighbouring land or the highway. In the event of any approval a condition could be utilised to agree final design in this regard. Development works would also be in close proximity to the Punder Gill watercourse and it is advised that a formal application to Drainage and Coastal Protection may be necessary to agree these works. An informative could be added to any planning permission to this end. No objections to the development are therefore raised in relation to drainage or matters of flood risk with the development considered compliant with TLP Policies GDP1, ENV15 and ENV16 and Part 10 of the NPPF. TLP Policy ENV15 is considered consistent with the NPPF and can be attributed weight in the decision making process.
161. Access and Public Rights of Way raise no objections. The nearest PROW (Public Footpath No. 5, Brignal) should remain unaffected by the proposal.
162. Environment, Health and Consumer Protection raise no objections with regards to matters of contaminated land.

CONCLUSION

163. It is concluded that the development would result in unacceptably adverse landscape and visual impacts. These harmful impacts are located within a designated Area of High Landscape Value and within the landscape setting of the designated Area of Outstanding Natural Beauty.
164. The level of detail submitted with the application is insufficient to fully assess potential impacts upon the significance of heritage assets potentially impacted upon by the development. Notwithstanding this it is considered clear that some harm to heritage assets would occur with less than substantial harm considered to occur upon the setting and therefore significance of the Grade II listed Dent House Farmhouse with adjacent outbuilding, Grade I listed Bowes Museum and Grade II listed Bowes Museum Park and Garden of Special Historic Interest. Where such harm occurs the NPPF advises at paragraph 134 that this harm should be weighed against the public benefits of the proposal.

165. The application documents highlight the economic benefits of the development. Key aspects to these benefits are; the contribution to the generation of electricity to provide a secure and renewable electricity supply for the national grid and improve capacity locally; help reduce carbon emissions and reduce the carbon footprint; help meet the Government's renewable energy targets; support the rural economy; and provide employment opportunities.
166. Whilst acknowledging these benefits it is considered that they would not outweigh the harm caused to the designated heritage assets or indeed override the degree of landscape and visual harm.
167. Insufficient submissions to fully assess the potential noise impacts of the development have been made and it cannot be judged that the development would not result in such unacceptably harmful impacts upon the residential amenity of the nearest noise sensitive receptors.
168. In addition PPG guidance and the WMS of the 18th June 2015 advises that when considering applications for wind energy development LPAs should only grant planning permission if;
 - the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
 - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing
169. The application site is not within an area identified as being suitable for wind energy development and based upon the outcomes of the public consultation on the application the planning impacts identified by affected local communities have not been fully addressed nor the proposal received their backing. This adds further and significant weight to the conclusions that planning permission should be withheld.

RECOMMENDATION

That the application be **REFUSED** for the following reasons;

1. The Local Planning Authority considers that the proposed wind turbine as a result of its siting, scale, appearance and potential for cumulative impact would have an adverse landscape and visual impact. Unacceptable harm to the Area of High Landscape Value and the landscape setting and natural beauty of the Area of Outstanding Natural Beauty would result. The development is therefore contrary to criteria and guidance set out in Policies GD1, ENV2, ENV3, C5B and C6 of the Teesdale Local Plan and paragraph 109 of Part 11 of the NPPF.
2. The Local Planning Authority considers that the level of detail submitted with the application is insufficient to fully assess potential impacts upon the significance of heritage assets potentially impacted upon by the development, contrary to the guidance contained in paragraph 128 of the NPPF. Notwithstanding this potential for other harm to heritage assets, it is considered that the proposed wind turbine, individually and as a result of potential cumulative impact would harm the setting and therefore significance of the Grade II listed Dent House Farmhouse (with adjacent outbuilding), Grade I listed Bowes Museum (with steps and railings attached) and Grade II listed Bowes Museum Park and Garden of Special Historic Interest with such harm not being outweighed by public benefits. The development is therefore

contrary to Policies ENV4 and BENV3 of the Teesdale Local Plan and advice contained within Part 12 of the NPPF.

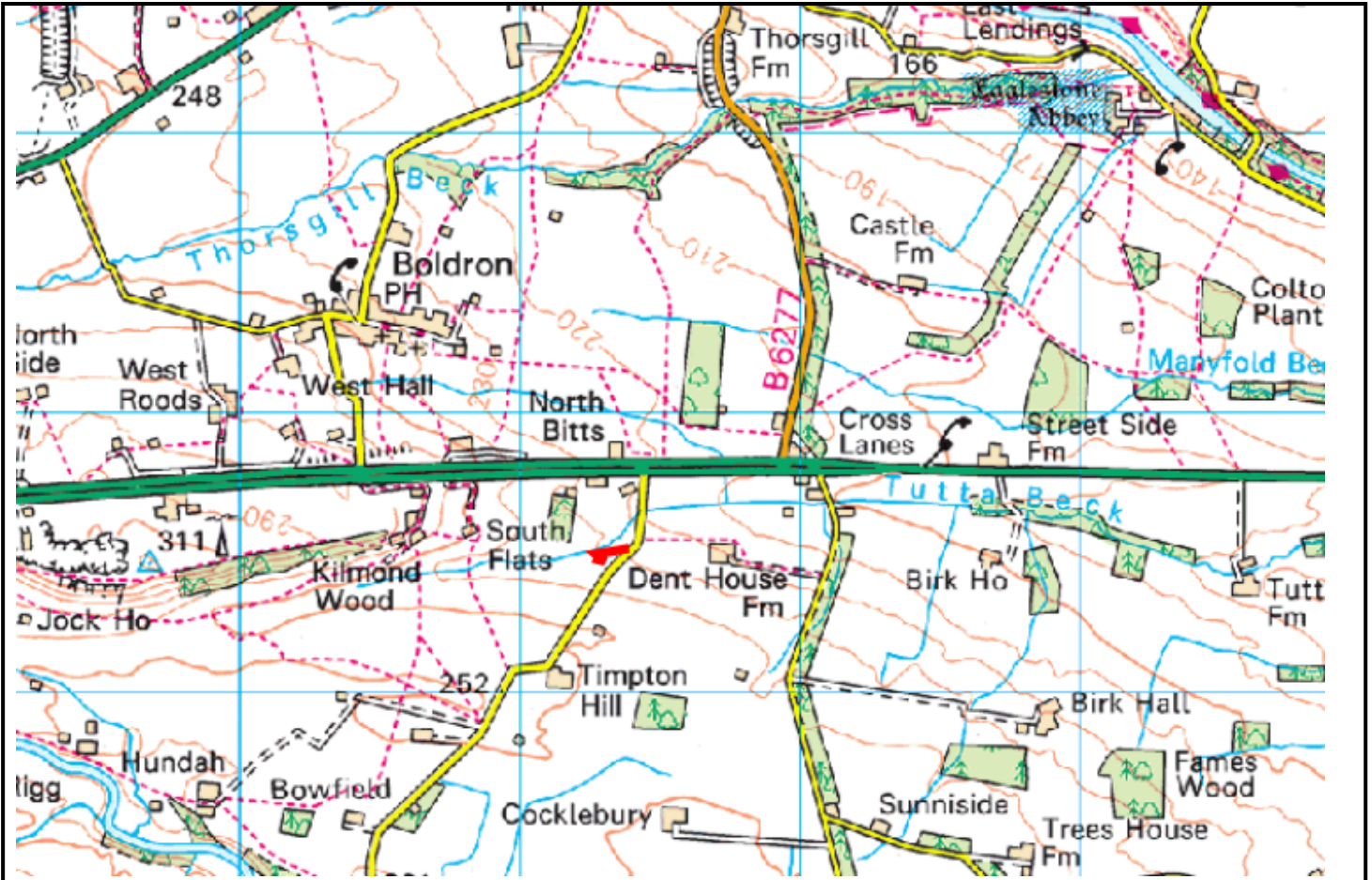
3. The Local Planning Authority considers that the level of detail submitted with the application is insufficient to fully assess the potential noise impacts of the turbine individually and cumulatively. Policies GD1, C5B and C6 of the Teesdale Local Plan require that developments result in no unacceptable harm to residential amenity including through noise impact whilst paragraph 109 (Part 11) of the NPPF advises that existing development should not be put at unacceptable risk of being adversely affected by noise pollution. In the absence of such adequate assessment it cannot be judged that the development would not result in such unacceptably harmful impacts.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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) 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
- Teesdale Local Plan
- Statutory, internal and public consultation responses



Planning Services

DM/15/02064/FPA

Erection of turbine no. 1 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications)

Mr A Thompson

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Date
 September 2016

Scale
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02063/FPA
FULL APPLICATION DESCRIPTION:	Erection of turbine no. 2 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications)
NAME OF APPLICANT:	Mr M Thompson
ADDRESS:	Pundergill, Rutherford Lane, Brignall, Barnard Castle
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Henry Jones, Senior Planning Officer Henry.jones@durham.gov.uk , 03000 263960

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises agricultural land that lies approximately 180m to the south of the A66 and 200m to the west of Rutherford Lane. The watercourse of Punder Gill runs roughly east west to the south of the site. A large copse of trees stands immediately to the west of the site.
2. The nearest residential properties outwith the applicants control are situated approximately 215m to the north east at North Bitts, 520m to the east at Dent House Farm, 395m to the west at South Flats Farm and 565m to the south at Timpton Hill Farm. Dent House farmhouse and its adjacent outbuilding is a grade II listed building. The nearest Public Right of Way (PROW) is No.5 Brignall which commences/terminates on the eastern side of Rutherford Lane 220m south east of the application site.
3. The south eastern extent of the North Pennines AONB lies approximately 2.1km to the south of the site, whilst the site itself is designated as an Area of High Landscape value in the Teasdale Local Plan. The nearest site of Special Scientific Interest (SSSI) lies approximately 1.5km to the west of the site.

The Proposal

4. Planning permission is sought for the erection of a single 250kW wind turbine of some 46.3m in height to its tip. The turbine would have a monopole mast of some 30m in height with a two blade rotor. In addition to the turbine itself, there would be the creation of an access track directly off Rutherford Lane for delivery, erection and engineering works, a concrete hard standing area, and the erection of a substation immediately to the north of the turbine.
5. A second turbine of the same specification is also the subject of a separate planning application and would be located some 220m to the south of the turbine subject of

this report. The turbines would share a grid connection and as such there would be an underground trench running between the proposed turbines.

6. The application is reported to County Planning Committee at the request of Councillor Richard Bell on the grounds of significant visual intrusion into open countryside.

PLANNING HISTORY

7. There have been no previous planning applications for wind turbine developments in this location.

PLANNING POLICY

NATIONAL POLICY:

8. 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’.
9. 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.
10. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourages the use of renewable resources (for example, by the development of renewable energy).” The NPPF also states in paragraph 98 that “when determining planning applications, local planning authorities should:
 - Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions...
 - Approve the application (unless material considerations indicate otherwise) if its impacts are (or can be) made acceptable.”
11. *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.
12. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should: support the sustainable growth and

expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

13. *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.
14. *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 policies and 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.
15. *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.
16. *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.
17. *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 including Areas of Outstanding Natural Beauty, recognising 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.
18. It is stated that development on land within or outside an SSSI likely to have an adverse effect on an SSSI (either individually or in combination with other developments) should not normally be permitted. Protection to other European sites is given (SPAs and SACs). It is stated that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.
19. *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.

20. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters including of most relevance to this application a dedicated section on renewable and low carbon energy.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

Teesdale Local Plan (adopted 2002) (TLP)

21. *Policy GD1– General Development Criteria* – permits development that (inter alia) is in keeping with the character and appearance of the area, and would not unreasonably harm the rural landscape of the area.
22. *Policy ENV1 – Protection Of The Countryside* – allows development in the countryside for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the site and where it conforms with other policies in the plan provided that it does not unreasonably harm the landscape and wildlife resources of the area.
23. *Policy ENV2 – Development Within Or Adjacent To The North Pennines AONB* – only permits development capable of protecting the landscape quality and natural beauty of the designated area.
24. *Policy ENV3 – Development Within Or adjacent To An Area Of High Landscape Value* – allows development only where it does not detract from such an area's special character and pays special attention to the landscape qualities of the area.
25. *Policy ENV4 – Historic Parks And Gardens* – seeks to protect the historic character and appearance of historic parks and gardens as designated by English Heritage and within these areas only new development proposals that are compatible with existing uses already within the area and specific following criteria will be granted planning permission.
26. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* – proposals which may affect a nature conservation site of international importance, will be subject to the most rigorous examination. Proposals not connected to and related to the management of the site will not be permitted if they have significant effects on the site, unless there is no alternative solution and there are imperative reasons of overriding public interest for the proposal. Approved development will be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected.
27. *Policy ENV6 – Safeguarding of Sites of Special Scientific Interest and National* – Proposals for development in or likely to affect SSSIs (including national nature reserves) will be subject to special scrutiny. Where such development may have an adverse effect on the SSSI, directly or indirectly, it will not be permitted unless the reasons for the development, including the lack of alternative solutions to that being proposed, clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites. Where such

development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures.

28. *Policy ENV7 – Development affecting Local Nature Conservation Sites* – Development proposals, which are liable to damage the nature conservation value of sites, notified to the district council as being of local nature conservation importance will not be approved unless: the case for development clearly outweighs the need to safeguard the intrinsic value of the site, and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
29. *Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law* – does not permit development which would harm any animal or plant species afforded special protection by law.
30. *Policy ENV12 – Protection of Agricultural Land* – states that development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
31. *Policy ENV14 – Protection of Water Quality* – states development will not be permitted which would unacceptably prejudice the quality of surface or ground water.
32. *Policy ENV15 – Development Affecting Flood Risk* – state development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment.
33. *Policy ENV16 – Development Affecting Rivers Or Streams and Their Corridors* – states that the Council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
34. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building* – precludes development that would adversely affect the character of a listed building or its setting.
35. *Policy BENV11 – Archaeological Interest Sites* – requires a field evaluation to be submitted prior to determination for a development that may affect a known or potential site of archaeological interest. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments affecting sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
36. *Policy C5B – Wind Farms outside the AONB* – permits wind farms of two or more turbines outside the AONB if a number of criteria are met. These being: a) there would not be unacceptable harm to the amenity of nearby residential occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light; and b) the development, including servicing roads, any buildings and all transmission lines between the development and point of connection to the grid would not unacceptably harm the character and appearance of the area; and c) the development would not unacceptably harm the landscape of the area, nor unreasonably damage the

landscape setting of adjacent land falling within the North Pennines AONB and/or Yorkshire Dales National Park; and d) the topography of the site has been taken into account for the locality; and e) there would not be unacceptable harm to wildlife; and f) there would not be unacceptable harm to an area of archaeological importance; and g) the turbines would not cause unreasonable harm to the performance of military radar or hazard to military low flying operations. The Policy requires that proposals should include provisions that the turbines are painted in a suitable colour, that any associated buildings are constructed in materials appropriate to the locality, and that any transmission lines between individual turbines and any associated transformer building are located underground. Proposals should conform to Policies GD1, ENV5, ENV6, ENV7, ENV8, and BENV11.

37. *Policy C6 – Other Forms of Renewable Energy* – states that single turbine proposals will be permitted provided they do not unacceptably harm the character and appearance of the area, the amenity of occupants of nearby residential property, the ecology of the area, areas of archaeological importance and the performance of military radar or military low flying operations. Proposals should conform to Policies GD1, ENV5, ENV6, ENV7, ENV8, and BENV11.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
<http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>
(Teesdale District Local Plan)

EMERGING POLICY:

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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Bowes Parish Council* – Raise objections. The harmful impacts of the development outweigh the limited renewable energy benefits. The harmful impacts are explained as being the impact upon the landscape and the dangerous distraction to motorists. Concerns are expressed that a precedent may be set. Concerns are expressed regarding the adequacy of the landscape and visual impact assessment within the application and consider that the application includes a number of discrepancies and inaccuracies and the application should be refused on these grounds. The application fails to recognise that the site is located within an Area of High Landscape Value or that the turbine would be visible from the Area of Outstanding Natural Beauty (AONB). The Reference is also made to a refused application for a turbine at nearby Hulands Quarry and that circumstances have not changed.

40. *Rokeby, Brignall and Eggleston Abbey Parish Council* – raise objections. The development will be intolerable to neighbouring occupiers and cause a devastating impact upon the landscape. The proposal is described as bizarre.
41. *Highway Authority* – raises no objections to the application subject to a condition requiring the submission of details of a swept path analysis for delivery vehicles entering the site at the junction with the C166 Rutherford lane.
42. *Highways England* – raise no objections subject to the imposition of planning conditions that no vehicular movements associated with the construction or development of the site require special permission as abnormal loads and that access is taken from Rutherford Lane not the A66(T).
43. *Natural England* – raise no objections. It is advised that the proposal is unlikely to affect any statutorily protected nature conservation sites. Advice should be sought from the North Pennines AONB Partnership in relation to impact on protected landscapes. Standing advice is referred to in respect of protected species.
44. *NATS* – raise no objections. It is advised that the proposal does not conflict with their safeguarding criteria.
45. *Ministry of Defence* – raise no objections. In the event of an approval a condition is requested that the date construction starts and ends; the maximum height of construction equipment and; the latitude and longitude of the turbine are provided.
46. *Drainage and Coastal Protection* – raise no objections in principle. Advice is provided in relation to surface water run-off from the access track onto adjoining land or the highway and in relation to the impacts upon the adjacent watercourse if works to it are necessary.
47. *Durham Tees Valley Airport* – raise no objections in relation to aerodrome safeguarding.

INTERNAL CONSULTEE RESPONSES:

48. *North Pennines AONB* – raise objections. Although the site is outside of the AONB boundary they consider that the proposal would have a material impact on the designated landscape. They consider that the proposed turbine sits in a relatively open landscape where it would be prominent and would clearly interrupt views from sites within and around the AONB, such that in more distant views from within the AONB the turbine is likely to be a dominant feature in the landscape.
49. *Landscape* – raise objections. The landscape and visual effects of the proposals, both together and individually, would be unacceptable and in clear conflict with landscape related policies. Correctly presented visualisations from more appropriate agreed viewpoints, and a fuller analysis of the effects, would only make this more apparent. It is confirmed that the site lies within a designated Area of High Landscape Value (AHLV) and the turbine would be visible from the AONB. The turbine would a potentially appear visually dominant and overbearing impact at the nearest residential receptors.
50. *Design and Conservation* – raise objections. The application submissions with regards to heritage assets are considered inadequate and fail to meet necessary standards for such an application. Notwithstanding this the views of Landscape are concurred with in that the visual impacts of the development will be wholly negative.

51. *Ecology* – raise no objections. Mitigation measures with respects to water voles and bats should be conditioned in the event of an approval. Some displacement of bird species would occur. There is some lack of detail with regards to collision risk data in respect to birds.
52. *Spatial Policy* – advise that whilst the NPPF is supportive of renewable energy development, new guidance is clear that community support needs to be proven and even single turbines should be located within areas identified in Local Plans or Neighbourhood Plans. Significant weight should be given to saved local policy, PPG and new Government Policy set out in the Written Ministerial Statement.
53. *Access and Public Rights of Way* – raise no objections. The nearest PROW (Public Footpath No. 5, Brignal) should remain unaffected by the proposal.
54. *Archaeology* – raise no objections. Although the A66 is on the line of a Roman road, there is no evidence at present to suggest any roadside occupation at the proposed turbine site, and as such, no archaeological investigation is required.
55. *Environment, Health and Consumer Protection (Noise)* – raise objections. Additional report assessment including raw noise data is requested. It is considered that the sound level meters were not located in the most representative of locations. Additional information is required before a full and reasoned response could be issued.
56. *Environment, Health and Consumer Protection (Contaminated Land)* – no objections are raised and no condition are required to be imposed.
57. *Sustainability* – have no comments to make.

PUBLIC RESPONSES:

58. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 43 letters of representation have been received 41 raising objection to the development, 1 raising support with 1 request from the local Councillor that the application be heard at Committee. The matters raised are summarised below.

Principle of the development

- The development is a commercial wind farm with all energy directed into the National Grid
- Applicants have an intention to construct further turbines and this proposal would create a precedent
- Wind turbines are inefficient
- There are economic “distortions” with regards to wind development
- County Durham has enough wind turbines

Visual and Landscape Impact

- The proposal would be dominant in the landscape and conspicuous
- Harm to the beautiful countryside of the area
- The two-bladed design exacerbates the harmful impact
- Harm to the “priceless” and unspoilt Teesdale landscape
- Harm to the AONB

Residential Amenity

- Harm to amenity and health in general
- Dominant, oppressive and overbearing impacts
- Harmful noise impact and noise assessment undertaken is inadequate
- Harmful impacts of shadow flicker

Ecology

- Impact on nature conservation and wildlife
- Concern with regards to impact on nearby Sites of Special Scientific Interest including Kilmond Scar, Brignall Banks and Mill Wood
- Birds may be killed and displaced

Heritage

- Harm to the Barningham Moor Neolithic site
- Harm to Bowes Museum
- Harm to Eggleston Abbey
- Harm to Barnard Castle Conservation Area
- Harm to the castle at Barnard Castle
- Impacts upon the listed Bowfield Cottage have not been considered

Highway Safety

- The turbine will be distracting to motorists

Other Issues

- Impact on property values
- Harmful impacts will affect tourism in the area including harmful impact upon holiday cottage business
- Impacts upon Ancient Woodland
- The application is not supported by an Environmental Statement (ES) having regards to the Environmental Impact Assessment (EIA) Regulations
- Should planning permission be approved then conditions should be attached which restrict the power output to 250kw and which prevent future wind turbine development
- Reference is made to appeal decisions and case law which are considered relevant and support refusal of the proposal

59. *Open Spaces Society and Ramblers Association* - raise objections. It is considered that the high landscape value of the location is inappropriate for industrial turbines, which would be damaging to local residents and tourists. The likely distraction to motorists and the inaccuracy of submitted information is highlighted including visualisation submissions. Reference is made to the wind turbine proposal at Hulands Farm which was dismissed at appeal.

60. *Campaign to Protect Rural England (CPRE)* – raise objections. The proposed turbine would be sited close to the AONB and as a result the AONB guidelines in respect to wind turbine development are considered relevant. Views to and from the AONB would be detrimentally affected. Concerns are raised with regards to the potential impact of the turbines upon residential amenity. Concerns are expressed with regards to the lack of clarity within the application as to whether a 250kw or 500kw turbine is proposed and the difference that this would make in respects to

noise impact. The turbine would be visible from Bowes Museum and potentially Eggleston Abbey and the castle at Barnard Castle. The pre-application consultation process undertaken by the applicant is criticised. The site is not identified within a Local Plan as being suitable for wind development. Appeal decisions in respect to public consultation requirements and interpretation of sites identified as being suitable for wind development are cited.

61. *South Teesdale Action Group (STAG)* – raise objections. Objections are raised with regards to both the application process and impacts of the development. The adequacy of the applicants mandatory pre-application consultation requirements are challenged on the basis of the following; that the pre-application consultation presented a proposal for two turbines yet two separate planning applications each for a single turbine have been submitted; the owner of the Timpton Hall Barn was not notified; a website has not been kept up to date and contains information contrary to application submissions; the applicants statement that press publicity has occurred has been overplayed; best practice guidance has not been followed. Evidence to support the point that the pre-application public consultation process has been inadequate in the form of Council and Planning Inspectorate documentation is provided.
62. A host of inaccuracies and discrepancies are considered to be contained within the application; distances detailed to neighbouring property; the power output of the turbines; ecological surveying is considered inadequate and inaccurately refers to alternative development proposals; reports are marked for the use of only one applicant but are being referenced in both applications; heritage assessment is inadequate; photomontage locations are incorrect; noise assessment reports are inadequate, contain missing data and the data was collected at incorrect locations; the application states that the land is not within a designated Area of High Landscape Value and this is incorrect; some documentation states that the turbine is proposed to be white and in others grey; the submitted Landscape and Visual Impact Assessment is inaccurate in respects to its presentation of cumulative impact; the application inaccurately describes the turbine as “small scale”; the bird report inaccurately states the height of the turbine; the documentation is confusing in respects to how many turbines are being applied for; the application does not take account of Timpton Hill Barn which received planning permission for residential occupation; submissions with regards to shadow flicker are inadequate - North Bitts may receive shadow flicker impact and the assertion that the occupants are financially involved therefore removing the issue is disputed, South Flatts garden could be affected.
63. Reference is made to consultation responses on the application which highlight the considered inadequacy of some of the application documentation. It is considered that the application constitutes EIA development and that the application should be accompanied by an ES. The supportive comments received from the National Farmers Union are generic and not specific to the proposal.
64. Harm on the grounds of landscape and visual impact is cited including in regards to the AHLV and AONB. The development would be visible from the Yorkshire Dales National Park. Harm to residential amenity is raised with the turbines dominant in relation to the nearest properties. Examples of appeal decisions where the application for wind turbine development has failed to address impacts identified by local communities are cited. Ecological concerns are raised with particular concern raised with regards to potential impacts upon a variety of bird species and potential links between birds passing the site and Special Protection Area(s). The applicant cannot implement the submitted ecological management plan as their holding does not encompass all of the land. With regards to bats Punder Gill farmhouse and

buildings have been classed as medium to high risk and yet the submissions state that access has been denied for surveying purposes. Noise impacts will be unacceptable to those living nearby and impacts would increase should the power output of the turbines increase. No economic benefits of the development exist. Reference is made to the proposals' considered conflict with national and local planning guidance including the Local Plan and NPPF.

65. *The Bowes Museum* – raise objections. Considerable concern with regards to the impact of the turbine upon the setting of the Grade I listed building and pre-eminent views of and from the site currently enjoyed.
66. *National Farmers Union* – support the development considering it important the application is approved to enable the farm business to continue to develop and remain profitable so as to maintain the social fabric of the countryside and make an important contribution to the rural economy.
67. *Durham Bird Club* – raise objections. Whilst it is accepted that the area does not have any specific wildlife designations it clearly contains a significant number of birds some of which are in decline and are target species for protection. The submitted documentation does not assess the potential for displacement. Particular concern is raised with respects to curlews.
68. *Cllr Richard Bell* – requests that the application be heard at planning committee.

APPLICANTS STATEMENT:

69. The proposed turbines have been the subject of careful planning and a continuous process of re-design, development and consultation over a period of 5 years.
70. The aim has been to produce a scheme that optimises renewable energy generation but which is sympathetic and respects the surrounding landscape.
71. Initially, the scheme proposed to erect 5 turbines on the site and consultation was held with various agencies and specialists to examine landscape, visual, ecological, historical and amenity impacts. A meeting was held on site with local councillors and officers to view a temporary mast and to assess visual impact. Discussions also took place with local residents, business people and the press.
72. After our initial feasibility the scale of the project was reduced down to 3 turbines and following further studies and consultation down to 2.
73. The proposed site lies next to the busy A66 in a pleasant landscape but one that has no national designation that makes it special or gives it greater protection. The AONB and Yorkshire Dales National Park lie some distance away and impacts here are deemed to be low or negligible. The Landscape and Visual Impact Assessment carried by 3dvs as part of the applicant's due diligence confirms this and also states there will be no impact on Egglestone Abbey or Barnard Castle Conservation Area.
74. It is the applicant's view that although the turbines will be visible, particularly at near distance, the overall impact upon character and appearance is no more than moderate. The turbines will be coloured grey and provide an acceptable contrast with the background landscape and help to assimilate them into the wider view. The blades will rotate at a very slow rpm and are less likely to attract the eye than faster rotating smaller machines.

75. Concerns were initially raised by the AONB officers regarding potential views from certain parts of the protected landscape but following an accompanied site visit and the production of further photomontages he accepted impacts were limited.
76. Although there have been a number of objections to the proposal only one objector lives within 0.5km of the nearest turbine and 7 within 2km. This represents only a tiny fraction of the people living locally, many of whom have expressed support for the scheme verbally.
77. The applicant is not an electricity generating company or an institutional investor from outside the district. They are ordinary local people whose family have lived in the area for generations and who are trying to develop a business to support themselves and help maintain and develop the farm. Indeed, the two applicants (two sons) inherited the farm when their father died and although both pursued alternative careers they now wish to return to their farming roots.
78. The proposed scheme will bring benefits to the area, generating renewable electricity, reducing greenhouse gas emissions and helping to address the effects of climate change as well as bring investment to the area and as well as work for local contractors.
79. We feel the concerns raised by residents have been satisfactorily addressed.

PLANNING CONSIDERATIONS AND ASSESSMENT

80. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations including representations received it is considered that the main planning issues in this instance relate to the principle of development, landscape and visual impact, impact on heritage assets, residential amenity, impacts on ecology and nature conservation, aviation and radar issues, highway safety, TV and other communication interference, pre-application consultation requirements and degree of community support. Other matters are also considered.

Principle of Development

81. TLP Policy ENV1 seeks to protect the countryside allowing for development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area. Renewable energy development is not cited as an example of development that is acceptable in the countryside in principle. The proposed development would be contrary to TLP Policy ENV1. TLP Policy ENV1 is restrictive and the approach is not fully in compliance with the NPPF and therefore limited weight is attributed to this Policy.
82. The TLP in Policy C5B contains a specific saved policy providing guidance on wind farm development outside of the AONB. The Policy specifically relates to proposals for two or more wind turbines and it may be argued that the Policy does not apply to an application for a single turbine. However, the cumulative impact of this proposal and that sought under the tandem application DM/02064/FPA must be considered and together, the two applications propose a total of two wind turbines. As a result it is considered that the Policy C5B remains relevant. The Policy sets out specific criteria relating to matters such as residential amenity, landscape impact and ecological impact which must be met and these matters are considered within this report.

83. TLP Policy C6 relates to other forms of renewable energy development including proposals for single wind turbines (as this planning application proposes). Similarly this policy accepts such development in principle provided that unacceptable harm with regards to a range of material planning considerations does not result.
84. The thrust of guidance within TLP Policies C5B and C6 is generally aligned with the content of the NPPF in regards to renewable energy development. Both policies do, however, cross reference to Policy BENV11 (in relation to archaeological interest sites) which is considered only partially consistent with the NPPF and this is therefore considered to reduce their degree of consistency slightly. In addition PPG guidance references the Written Ministerial Statement 18th June 2015 (WMS) and advises that when considering applications for wind energy development LPAs should only grant planning permission if;
- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
 - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing
85. Neither TLP Policies C5B nor C6 are consistent with this element of the PPG advice. Neither TLP Policies C5B nor C6 identify areas suitable for wind energy development. Elsewhere in the PPG guidance, renewable energy development is supported in principle considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
86. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
87. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
88. It is noted that public opposition to the development includes objection to matters surrounding the need, merit and efficiency of wind energy development. The NPPF advises that applicants need not demonstrate an overall need for renewable energy and there are no renewable energy production ceilings for the north-east. The PPG advises that considering the energy contribution to be made by a proposal can be given weight in decision making particularly when a decision is finely balanced. The Design and Access Statement which accompanies the application states that the electricity generated from the turbine is proposed to feed into the National Grid and help meet the Government’s renewable energy targets and obligations. The proposal would make a relatively small but nevertheless a valuable contribution to these targets and obligations.
89. There is national support to the principle of on-shore wind energy development, being compliant with Part 10 of the NPPF. However, the acceptability of the scheme in terms of TLP Policies C5B and C6 rests with the assessment of the detailed issues and impacts, discussed in the following paragraphs of this report. The guidance provided within the WMS and PPG in regards to whether the development site is in an area identified as suitable for wind energy development and whether the planning impacts identified by affected local communities have been fully addressed

and therefore the proposal has their backing are material considerations to inform on the decision.

Landscape and visual impacts

90. The application is accompanied by a landscape and visual impact assessment (LVIA). The LVIA is accompanied by zones of theoretical visibility (ZTVs) to define the zone within which the turbine could be visible and a selection of viewpoints/visualisations to aid in the assessment of the effects of the development. Additional viewpoints/visualisations have been provided during the course of the application. In conclusion the submitted LVIA considers that landscape impact would be minimal across the landscape as a whole with notable impacts on the landscape character being restricted to 1 – 2km and visual effects within the area are described as not being significant.
91. The visual and landscape impacts of the development are amongst the most significant areas of concern raised in public responses to the application.
92. The NPPF advises at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) which have the highest status of protection in relation to landscape and scenic beauty.
93. The Yorkshire Dales National Park lies to the south at a distance of approximately 6.6km from the proposed turbine. The ZTVs including cumulative ZTVs indicate that turbine would be visible only on the very fringes of the National Park. Landscape officers do not raise objections with regards to the impact of the development upon the National Park. Both the Yorkshire Dale National Park Authority and Richmondshire District Council have been consulted on the application and no comments have been received. Given the distances between the National Park boundary and the proposed turbine and the evidence contained with the submitted ZTVs it is considered that no harmful landscape and visual impacts upon the Yorkshire Dales National Park would occur.
94. Alongside the National Park the AONB merits the highest level of landscape protection. The AONB is closer to the proposed siting of the turbine, approximately 2.1km to the south at the closest point.
95. Landscape officers confirm that the development would be visible from within the AONB as suggested by the ZTV submissions. LVIA visualisations submitted with the application present an example of where the turbine would be visible from within the AONB. AONB officers have raised objections to the development considering that the proposal would be prominent and would clearly interrupt views from sites within and around the AONB.
96. It is therefore concluded that adverse effects on the purposes and special qualities of the AONB due to the prominence and intrusion of the turbine in views both from within and indeed towards the AONB would occur thereby detracting from its wildness and remoteness.
97. The application site lies within a designated Area of High Landscape Value and reflects the sensitivity and valued nature of the landscape. The NPPF highlights at paragraph 109 the need to protect and enhance valued landscapes.
98. The two bladed design of the turbine is considered to compound the landscape and visual effects of the development as it can produce an unbalanced visual effect when

rotating, and can seem to appear and disappear if the rotor is partly obscured, which draws greater attention from the viewer.

99. The content of the application documentation in regards to landscape and visual impact has received criticism within both public responses to the application and indeed from Landscape officers whom have stated of visualisations submitted within the application that they have not been produced to follow the standards contained within the Scottish Natural Heritage guidance “Visual Representation of Windfarms”, version 2.1, December 2014. The consequence of this is that the visualisations inaccurately reduce the landscape and visual effects of the turbines. Landscape officers highlight that there is ambiguity in the colour finish of the turbine and state that a RAL or BS 4800 colour should be agreed. A grey rather than white colour finish is more acceptable and ultimately a condition could resolve this in the event of any approval.
100. Overall Landscape officers consider that the visual effect of the proposed turbine and cumulative impact with the proposed turbine 1 (DM/15/02064/FPA) would be unacceptable with a strongly negative effect in terms of both landscape character and visual impact.
101. In conclusion officers consider that harmful visual and landscape effects would occur as a result of the proposed turbine and its cumulative impact with the proposed turbine 1. Harm would result to both the locally valued AHLV and also upon the AONB. The proposal is therefore considered contrary to the content of TLP Policies GD1, ENV2, ENV3, C5B and C6. These Local Plan policies are all considered to have significant resonance with the NPPF and can be attributed weight in the decision making process. The landscape and visual harm caused by the development is also considered contrary to paragraphs 109 (Part 11) of the NPPF. Paragraph 98 (Part 10) of the NPPF advises that renewable energy developments should be approved if impacts are or can be made acceptable.

Impacts upon Heritage Assets

102. The application is accompanied by an Environmental Assessment document and this contains a section in respects to heritage. This involved a desk top search of heritage assets within 1km of the site with some additional reference to heritage assets beyond this search area. The nearest designated heritage assets to the application site are Bowfield Cottage (Grade II listed), Cross Lanes Farmhouse and adjacent outbuilding (Grade II listed), milestone 100m west of junction at B6277 (Grade II listed), Green Cottage (Grade II) listed, Boldron Farmhouse and attached barn to east (Grade II listed) and Denthouse Farmhouse and adjacent outbuilding (Grade II listed). The assessment considers that overall there would be no adverse effects upon heritage assets. The visualisations submitted with the application include some visualisations from heritage assets in the form of a view from within the grounds of the Bowes Museum and at Egglestone Abbey.
103. Design and Conservation have raised objections to the application considering that the application submissions with regards to heritage assets are inadequate. The applicant in the knowledge of the objections submitted a response and considered that the submissions were adequate to inform on the decision.
104. NPPF (paragraph 128) requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Officers consider that the level of detail within the application does not adequately

describe the significance of heritage assets that may be affected. The heritage section to the Environmental Assessment fails to highlight all designated heritage assets within the 1km search area detailed with Bowfield Cottage not identified.

105. The detailed search area of 1km undertaken to support the application is considered inadequate to fully inform on the impact on the significance of heritage assets in the area. As a result it is considered that the application conflicts with the advice contained within paragraph 128 of the NPPF.
106. Paragraph 129 of the NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Notwithstanding the inadequacies contained within the submitted heritage assessment there is clear potential for harm to the setting of heritage assets as a result of the proposal. The application does include a visualisation taken from within the curtilage of the Bowes Museum and shows how the turbine would appear in views out to the south. The Bowes Museum is Grade I listed whilst its wider gardens are Grade II listed. Separately listed features and structures in the immediate vicinity including the terrace walls, steps and heraldic beasts (Grade I), two war memorials (both Grade II), entrance gates and lodges (Grade II*), basin (Grade II), bowling club building (Grade II) and sections of boundary wall and north piers and gates (Grade II listed). The Bowes Museum and associated garden and features are located approximately 2.6km to the north of the proposed turbine.
107. The absence of detailed assessment within the application of the impact upon the significance of these assets hinders the precise analysis upon them. However, it is certainly considered that the presence of a turbine to the south when viewed from the immediate surrounds and likely within the Grade I listed museum itself and from within the Grade II listed gardens would cause a degree of harm upon the setting and thereby significance of the assets. A visualisation accompanies the application and shows the visibility of the turbine from curtilage of The Bowes Museum. The degree of harm is considered less than substantial having regards having regards to paras 132-134 of the NPPF.
108. The Planning (Listed Buildings and Conservation Areas) Act 1990 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.
109. Potentially other listed buildings and designated heritage assets could be affected by the development and again the absence of detailed assessment within the application hinders precise analysis. Denthouse Farmhouse and adjacent outbuilding (Grade II listed) are located approximately 520m east of the turbine. At such proximity a degree of harm upon the setting of this grouping is considered to result, again this would be less than substantial harm. Again a visualisation from the vicinity of the farmhouse shows the proximity and prominence of the turbine.
110. Due to the harm to the setting of the Bowes Museum, associated gardens and the Denthouse farmhouse grouping the application is in conflict with TLP Policies ENV4 and BENV3. Policy ENV4 is considered fully consistent with the NPPF and Policy BENV3 partially consistent and both can be attributed weight in the decision making process. The NPPF at paragraph 134 advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The conclusion addresses this balance.

111. Public responses to the application reference concern with regards to the impacts of the development upon other designated heritage assets with Egglestone Abbey, Barnard Castle Conservation Area and Castle specifically referenced. The application includes a visualisation from Eggleston Abbey (Grade I listed and Scheduled Monument) which indicates that the turbine would not be visible. No such visualisations are provided from the Castle at Barnard Castle (Grade I listed and Scheduled Monument) or Barnard Castle Conservation Area though the submitted ZTVs demonstrate potential intervisibility. Similarly there are a significant number of other designated assets within relative close proximity to the site including a significant concentration within the Barnard Castle area. Again the absence of detailed assessment within the application of the impact upon the significance of these assets hinders the precise analysis upon them and is reason to raise objection to the development.
112. Public concerns are raised with regards to the potential impacts of the development upon the nearby Barningham Moor Neolithic site. However, Archaeology raise no objections with regards to any potential impact in this regard and furthermore state that although the A66 is on the line of a Roman road, there is no evidence at present to suggest any roadside occupation at the proposed turbine site, and as such, no archaeological investigation is required. No objections to the development are therefore raised with regards to matters of archaeological having regards to the content of TLP Policy BENV11 and Part 11 of the NPPF. TLP Policy BENV11 is considered partially consistent with the NPPF and can be attributed weight in the decision making process.

Residential Amenity

Potential for Overbearing Impact/Visual Dominance

113. The evidence of past appeal decisions suggests that turbines are likely to be overbearing at distances closer than four times the turbine height and unlikely to be overbearing at distances of greater than seven times their height. At distance ranges in between, the acceptability of their impact is influenced by site-specific factors.
114. Seven times the tip height of the proposed turbine is 324.1m. Pundergill Farmhouse is located within 4 times the tip height of the turbine, approximately 175m to the north. The property is financially involved in the development, however. Furthermore to the immediate rear of the farmhouse dense landscaping would filter views of the turbine from the rear of the property and no objections are raised.
115. North Bitts farmhouse is located approximately 215m to the north. The main, front elevation of the farmhouse faces south and the turbine would be located in a south-easterly direction. The turbine would be cited within five times the tip height of the turbine. At such a distance it is considered that the turbine would create a dominating and overbearing impact with unacceptable harm caused to the occupiers of the property. The submitted Environmental Assessment states that the owners of North Bitts are not financially involved. However, other documentation states that the owners are financially involved and the applicant has, to clarify the matter, since stated that the owners of North Bitts are part of the family of the applicant and would be financially involved. On the basis of the confirmations of the applicant objections are not therefore raised to the impacts upon the occupiers of North Bitts. No letter of objection has been received from North Bitts.
116. Tipton Hill farmhouse is located approximately 565m south of the siting of the proposed turbine. The main, front elevation of the property would face towards the proposed siting of the turbine. However, with the distance to the turbine at almost

twelve times the tip height it is considered that no unacceptably overbearing or visually dominant impacts would occur.

117. A barn located to the north-east of Timplon Hill farmhouse gained planning permission for residential occupation in 2013. The barn is located 420m south of the proposed turbine and therefore just over nine times the tip height from the turbine. Individually it is considered the turbine at such a distance would not cause an unacceptably dominant or overbearing impact. If the barn was residentially occupied it would contribute, however, to the harm caused by turbine 1 (DM/15/02064/FPA) which would be cited in closer proximity. However, the barn conversion has not been implemented and remains clearly last used for agricultural purposes. The planning permission does remain extant, however, until November 2016. However, as the conversion still requires implementation there is no current occupier upon whom harm could occur and as result it is considered planning permission should not be withheld on the basis of this impact.
118. Denthouse farmhouse is located approximately 520m to the east. The property is orientated so that main front and rear elevations face north and south and so are not orientated towards the turbine. In addition farm buildings are located immediately adjacent to the farmhouse and would screen views from within the dwellings towards the development. No objections are raised with regards to the potential for unacceptably dominant or overbearing impacts to occur upon occupiers of the property.
119. South Flatts Farm is located approximately 395m to the west. The property is orientated so that the main front and rear elevations face north and south and the turbine would be set on an angle to the east reducing the potential for the turbine to appear visually dominant from the main elevations. It is acknowledged that areas of residential curtilage would be closer and would have views more significantly impacted upon. However, overall, taking into consideration the distances involved and orientation of the property to the turbine no unacceptably dominant or overbearing impact would occur upon the occupiers of the property.

Noise

120. The NPPF at paragraph 123 requires that local planning authorities consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
121. The PPG recommends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now cancelled PPS24, former national planning guidance in relation to noise, advised that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.
122. The application is accompanied by a noise assessment report. This identifies the nearest noise sensitive receptors as being Punder Gill (financially involved) and the

non-associated properties of North Bitts Farm, Dent House Farm, Timplon Hill Farm and South Flats Farm. The applicant has since confirmed that North Bitts Farm is a financially involved property. The report considers that the predicted noise levels at the nearest noise sensitive receptors would be acceptable, causing no unacceptable loss of amenity and that the advice contained within ETSU-R-97 would be complied with.

123. Environment, Health and Consumer Protection raise objections, however. Environment, Health and Consumer Protection do not state that the turbine would necessarily cause unacceptable noise impacts, however, the level of detail contained within the application documentation is unacceptable in that it does not provide adequate information to fully inform an assessment. Additional report assessment including raw noise data is considered necessary and has not been provided. In addition the concern is raised that the sound level meters were not located in the most representative of locations to inform the noise assessment.
124. As a result objections to the development are raised. TLP Policies C5B, C6 and GD1 all seek to resist development which would result in unacceptable harm to the amenity of nearby residential occupiers whilst paragraph 109 of the NPPF advises that existing development should not be put at unacceptable risk of being adversely affected by noise pollution. A fully informed assessment as to the likelihood of this to occur cannot be undertaken on the basis of the submissions made.

Shadow Flicker/Reflected Light

125. Shadow flicker can occur within 130 degrees either side of north and the effect is unlikely to be significant in distances greater than 10 rotor diameters. There is some conflict in the submissions in regards to the rotor diameter of the turbine. The Environmental Assessment states that the rotor diameter is 32.6m whilst the shadow flicker report states 33.2m. The higher figure would result in a ten rotor diameter distance of 332m. The Environmental Assessment accompanying the application states that North Bitts could potentially be affected by shadow flicker. The further specific shadow flicker assessment relates to both turbine 2 subject to this application and turbine 1 subject to DM/15/02064/FPA. The assessment states that overall North Bitts Farm, Punder Gill Farm and a property identified as Gallows Hill could be affected by the two turbines. Diagrams contained within the report identify that turbine 2 could affect all three properties. The property identified at Gallows Hill is actually understood by officers to be a non-residentially occupied agricultural building. North Bitts could potentially be affected by shadow flicker between November to February with between 67 and 72 minutes impact per day. Punder Gill could potentially be affected by shadow flicker from October through to March with between 33-140 minutes impact per day. Such a period of time is calculated on a theoretical worst case scenario basis with the rotor blades rotating for 365 days per year, the sun shining in a clear sky every day of the year and that there is no tree cover that may prevent windows being affected. The applicant has since confirmed that North Bitts is a financially involved property. Punder Gill is also financially involved with the development and as a result objection is not raised.
126. Furthermore mitigation measures can be devised to control shadow flicker occurring if it arises, examples include through the provision of screening measures or alternatively through controls to switch the turbine off in periods where shadow flicker can occur.

Impacts on Ecology/Nature Conservation

127. The application is supported by a number of reports in respects to ecology and nature conservation issues, namely; extended phase 1 survey; badger survey, water vole and otter survey, bat survey, bird survey and newt survey. These reports and survey work which informed them are of considerable age with the reports being dated from between February 2011 and April 2012. Furthermore reference is also made to differing wind turbine schemes to that now proposed under the applications for turbines 1 and 2. As a result the application is also accompanied by Ecological Impact Assessment report dated July 2015 the purpose of which was to undertake a review of the previous ecological assessments having regards to the development turbines 1 and 2 now proposed. The evidence of further protected species surveys dating from 2014 was also presented.
128. The submitted Ecological Impact Assessment identifies the presence of any statutory and non-statutory sites of ecological interest within a 2km radius of the site and any statutory sites only within a 10km radius. The nearest statutory designated sites are Kilmond Scar Site of Special Scientific Interest (SSSI) (approximately 1.5km to the west) and Brignall Banks SSSI (approximately 2.2km to the south). Thorsgill Wood is a non-statutory designated Local Wildlife Site and is located approximately 1.5km to the north.
129. The impacts of the development upon ecology and nature conservation assets are amongst the most significant and detailed of the public objections and concerns raised with regards to the development.
130. Natural England raise no objections. It is advised that the proposal is unlikely to affect any statutory protected nature conservation sites.
131. Ecology officers have submitted several comments in regards to the application, in part in response to specific concerns to emerge from the public consultation exercise. Ecology officers principal focus has been with regards to the potential impacts upon water voles, bats and breeding birds. In conclusion Ecology officers raise no objections to the application. Mitigation measures with respects to water voles and bats should be conditioned in the event of an approval. It is stated that some displacement of bird species would occur and there is some lack of detail with regards to collision risk data in respect to birds. However, despite this on balance it is considered that the impact upon protected species and statutory and non-statutory designated sites would be acceptable.
132. It is considered that the development would not adversely affect any European Protected Species (EPS) with no requirement to consider whether an EPS licence would granted having regards to Regulation 9(3) of The Habitat Regulations.
133. As a result officers raise no objections to the development with the proposals considered compliant with relevant TLP Policies GD1, ENV6, ENV7, ENV8 and ENV16 and part 11 of the NPPF. TLP Policies GD1, ENV6, ENV7, ENV8 and ENV16 are considered consistent with the NPPF and can be attributed weight in the decision making process.

Aviation and Radar Issues

134. Durham Tees Valley Airport have raised no objections in relation to aerodrome safeguarding. Newcastle Airport is located in excess of 30km from the site and is therefore not a statutory consultee.

135. NATS (National Air Traffic Service) have raised no objections. It is advised that the proposal does not conflict with their safeguarding criteria.
136. The MOD (Ministry of Defence) raises no objections. In the event of an approval a condition is requested that the date construction starts and ends; the maximum height of construction equipment and; the latitude and longitude of the turbine are provided.
137. Officers raise no objections to the development on the grounds of aviation safeguarding having regards to TLP Policies C5B and C6 and Part 10 of the NPPF.

Highway Safety

138. Vehicular access is necessary initially as part of the construction phase of the development and thereafter for routine maintenance purposes and ultimately decommissioning. Access would be gained via Rutherford Lane and over a 189m section of field to the precise siting of the turbine.
139. The submitted Design and Access Statement states that the turbine itself would be delivered on a HGV trailer with a maximum of 12 vehicle movements associated with the plant required during the construction phase, 2 movements for the turbine delivery, and 48 movements over an 8 week period associated with the electrical and ground works.
140. The Highway Authority has raised no objections to the application subject to a condition requiring the submission of details of a swept path analysis for delivery vehicles entering the site at the junction with the C166 Rutherford Lane. The Highway Authority raise no objections or concerns with regards to the proposed turbine creating any distraction hazard for motorists, a matter which has been raised within the responses to the public consultation exercise.
141. Highways England raise no objections with regards to potential impact upon the A66 subject to the imposition of planning conditions that no vehicular movements associated with the construction or development of the site require special permission as abnormal loads and that direct access to the site is taken from Rutherford Lane not the A66(T). The applicant has confirmed that adherence to the Highway Authority requirements is acceptable and can be complied with.
142. No objections are raised to the development on the grounds of highway safety with the development compliant with TLP Policy GD1 and Part 4 of the NPPF.

TV and other Communication Interference

143. Wind turbines have the potential to disrupt telecommunication links and cause interference to television reception. This risk is increased with larger wind turbines and multiple turbines. Reflection and diffraction of radio waves can occur causing a detrimental impact upon signals. Mitigation measures can be devised should the development pose issues in this regard and a condition requiring the investigation and implementation of such mitigation measures can be added to any approval.

Pre-Application Consultation Requirements

144. Responses to the consultation exercise on the application raise significant concerns in regards to the adequacy of the applicants pre-application public consultation exercises.

145. There is a legal requirement to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres as identified in Article 3 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. The requirements that must be fulfilled are set out in Sections 61W and 61X of the Town and Country Planning Act 1990 and Article 4 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. In summary a prospective applicant must;
- Publicise the proposal in such a way as the applicant reasonably considers is likely to bring it to the attention of a majority of the people who live at, or otherwise occupy, premises in the vicinity of the land;
 - Set out how persons may contact them regarding the proposal. The applicant must give sufficient information about the proposed timetable to ensure that people wishing to comment on the proposed development may do so in good time;
 - If they decide to go ahead with making an application for planning permission, have regard to any responses received when finalising the application to be submitted;
 - When submitting their application explain how the local community has been consulted, what comments have been received, and how account has been taken of those comments.
146. The application is accompanied by details of the pre-application consultation exercise undertaken and this includes copies of letters issued informing on the proposal; press article; copy of a site notice erected in the area; copies of responses received; and a community consultation statement which outlines the pre-application processes undertaken, assessment of the responses received and impact upon the final development proposals.
147. On the basis of the evidence submitted it is considered that the pre-application consultation exercise undertaken meets the legislative requirements.

Degree of Community Support

148. The WMS made 18th June 2015 set out new considerations to be applied to wind energy development. The PPG has also been updated to reflect the content of the WMS. The guidance includes advice that with regards to this application local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The PPG advises that whether the proposal has the backing of the affected local community is a planning judgement for the local authority. No definition of what constitutes the affected local communities is provided.
149. Based upon the responses received on the application considerably more letters of objection (44) have been received than letters of support (1). The objections received include those from Parish Councils and local community groups and non-statutory bodies who have commented on the application. The single letter of support comes from the National Farmers Union rather than the local community as such.
150. It is considered that not all objections raised within responses to the application have been adequately addressed within the application submission. Objections and concerns raised in regards to landscape and visual impact, adequacy of the submissions in regards to heritage impact and the potential impact upon heritage

assets at the Bowes Museum and the adequacy of the assessment of the noise impacts of the development are reflective of objections raised by officers within this report.

151. There is no definition of what constitutes the “affected local communities” within the guidance contained within the PPG and WMS. However, based purely upon the comments received and numbers of comments received representations are clearly opposed to the development.

Other Issues

152. Responses to the public consultation on the application raise concerns that approval of the application could set a precedent. However, each application is considered on its own merits and any grant of planning permission does not prejudice the assessment of any future proposals on their own merits.
153. Responses to the public consultation exercise include comments that the application constitutes Environmental Impact Assessment (EIA) development (having regards to the EIA Regulations) and that the application should be accompanied by an Environmental Statement (ES). In 2010 the Council did issue a positive screening opinion in respect of a proposal for three wind turbines stating that the development would constitute EIA development. However, since this time further screening opinion has been undertaken in relation to a revised proposal totalling two turbines. A negative screening opinion was issued with the development considered to not constitute EIA development.
154. Public concerns are raised with regards to potential harm to ancient woodland. The closest areas of designated ancient woodland are at Mill Wood approximately 1.5 km south of the development at the nearest point. No impacts would result to the ancient woodland.
155. Public concerns raise the concern of the potential impact of the development upon property values, however, this is not a material planning consideration.
156. Public concern is expressed with regards to potentially harmful impacts upon tourism. In some regards there is resonance with the concerns already detailed in the report in terms of the harmful landscape impacts upon the area and AONB and also upon the Bowes Museum which are visitor attractions. Officers do not raise objections in more general terms, however, to the impact of the development upon tourism.
157. Public concern is raised with what the power output of the turbines is as there is some ambiguity as to whether the turbine is a 250Kw or 500Kw turbine. The applicant has confirmed that the turbine is to be a 250Kw output but that if in the future feed in tariffs permit consideration could be given to upgrade output to 500Kw. In the event of an approval a condition could ensure that the output is set at 250Kw so as to permit a review of any implications to any variation of this.
158. Public reference is made to reports which are marked for the use of only one applicant but are being referenced in both applications (turbines 1 and 2). Ultimately this is considered a matter separate from material planning considerations to be agreed between the parties.
159. Loss of agricultural land would result from the development. It is not known if the land or any parcel of it constitutes best and most versatile agricultural land though the application documentation states that it is not of higher quality. The NPPF at

Paragraph 112 requires account to be taken of the economic or other value of the best and most versatile land. Where significant development is proposed, poorer quality agricultural land should be used rather than higher quality. In addition where significant loss of agricultural land would be demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. TLP Policy ENV12 provides similar advice and is considered consistent with the NPPF. In this instance even if the land did constitute best and most versatile land the amount of land which would be built upon is relatively small and it is considered that any amount of loss would not constitute the significant loss to which the NPPF refers.

160. Drainage and Coastal Protection raise no objections in principle to the development. It is advised that the access track and turbine area is designed so as to ensure that surface water does not run-off onto neighbouring land or the highway. In the event of any approval a condition could be utilised to agree final design in this regard. Development works would also be in close proximity to the Punder Gill watercourse and it is advised that a formal application to Drainage and Coastal Protection may be necessary to agree these works. An informative could be added to any planning permission to this end. No objections to the development are therefore raised in relation to drainage or matters of flood risk with the development considered compliant with TLP Policies GDP1, ENV15 and ENV16 and Part 10 of the NPPF. TLP Policy ENV15 is considered consistent with the NPPF and can be attributed weight in the decision making process.
161. Access and Public Rights of Way raise no objections. The nearest PROW (Public Footpath No. 5, Brignal) should remain unaffected by the proposal.
162. Environment, Health and Consumer Protection raise no objections with regards to matters of contaminated land.

CONCLUSION

163. It is concluded that the development would result in unacceptably adverse landscape and visual impacts. These harmful impacts are located within a designated Area of High Landscape Value and within the landscape setting of the designated Area of Outstanding Natural Beauty.
164. The level of detail submitted with the application is insufficient to fully assess potential impacts upon the significance of heritage assets potentially impacted upon by the development. Notwithstanding this it is considered clear that some harm to heritage assets would occur with less than substantial harm considered to occur upon the setting and therefore significance of the Grade II listed Dent House Farmhouse with adjacent outbuilding, Grade I listed Bowes Museum and Grade II listed Bowes Museum Park and Garden of Special Historic Interest. Where such harm occurs the NPPF advises at paragraph 134 that this harm should be weighed against the public benefits of the proposal.
165. The application documents highlight the economic benefits of the development. Key aspects to these benefits are; the contribution to the generation of electricity to provide a secure and renewable electricity supply for the national grid and improve capacity locally; help reduce carbon emissions and reduce the carbon footprint; help meet the Government's renewable energy targets; support the rural economy; and provide employment opportunities.

166. Whilst acknowledging these benefits it is considered that they would not outweigh the harm caused to the designated heritage assets or indeed override the degree of landscape and visual harm.
167. Insufficient submissions to fully assess the potential noise impacts of the development have been made and it cannot be judged that the development would not result in such unacceptably harmful impacts upon the residential amenity of the nearest noise sensitive receptors.
168. In addition PPG guidance and the WMS of the 18th June 2015 advises that when considering applications for wind energy development LPAs should only grant planning permission if;
- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
 - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing
169. The application site is not within an area identified as being suitable for wind energy development and based upon the outcomes of the public consultation on the application the planning impacts identified by affected local communities have not been fully addressed nor the proposal received their backing. This adds further and significant weight to the conclusions that planning permission should be withheld.

RECOMMENDATION

That the application be **REFUSED** for the following reasons;

1. The Local Planning Authority considers that the proposed wind turbine as a result of its siting, scale, appearance and potential for cumulative impact would have an adverse landscape and visual impact. Unacceptable harm to the Area of High Landscape Value and the landscape setting and natural beauty of the Area of Outstanding Natural Beauty would result. The development is therefore contrary to criteria and guidance set out in Policies GD1, ENV2, ENV3, C5B and C6 of the Teesdale Local Plan and paragraph 109 of Part 11 of the NPPF.
2. The Local Planning Authority considers that the level of detail submitted with the application is insufficient to fully assess potential impacts upon the significance of heritage assets potentially impacted upon by the development, contrary to the guidance contained in paragraph 128 of the NPPF. Notwithstanding this potential for other harm to heritage assets, it is considered that the proposed wind turbine, individually and as a result of potential cumulative impact would harm the setting and therefore significance of the Grade II listed Dent House Farmhouse (with adjacent outbuilding), Grade I listed Bowes Museum (with steps and railings attached) and Grade II listed Bowes Museum Park and Garden of Special Historic Interest with such harm not being outweighed by public benefits. The development is therefore contrary to Policies ENV4 and BENV3 of the Teesdale Local Plan and advice contained within Part 12 of the NPPF.
3. The Local Planning Authority considers that the level of detail submitted with the application is insufficient to fully assess the potential noise impacts of the turbine individually and cumulatively. Policies GD1, C5B and C6 of the Teesdale Local Plan require that developments result in no unacceptable harm to residential amenity including through noise impact whilst paragraph 109 (Part 11) of the NPPF advises that existing development should not be put at unacceptable risk of being adversely

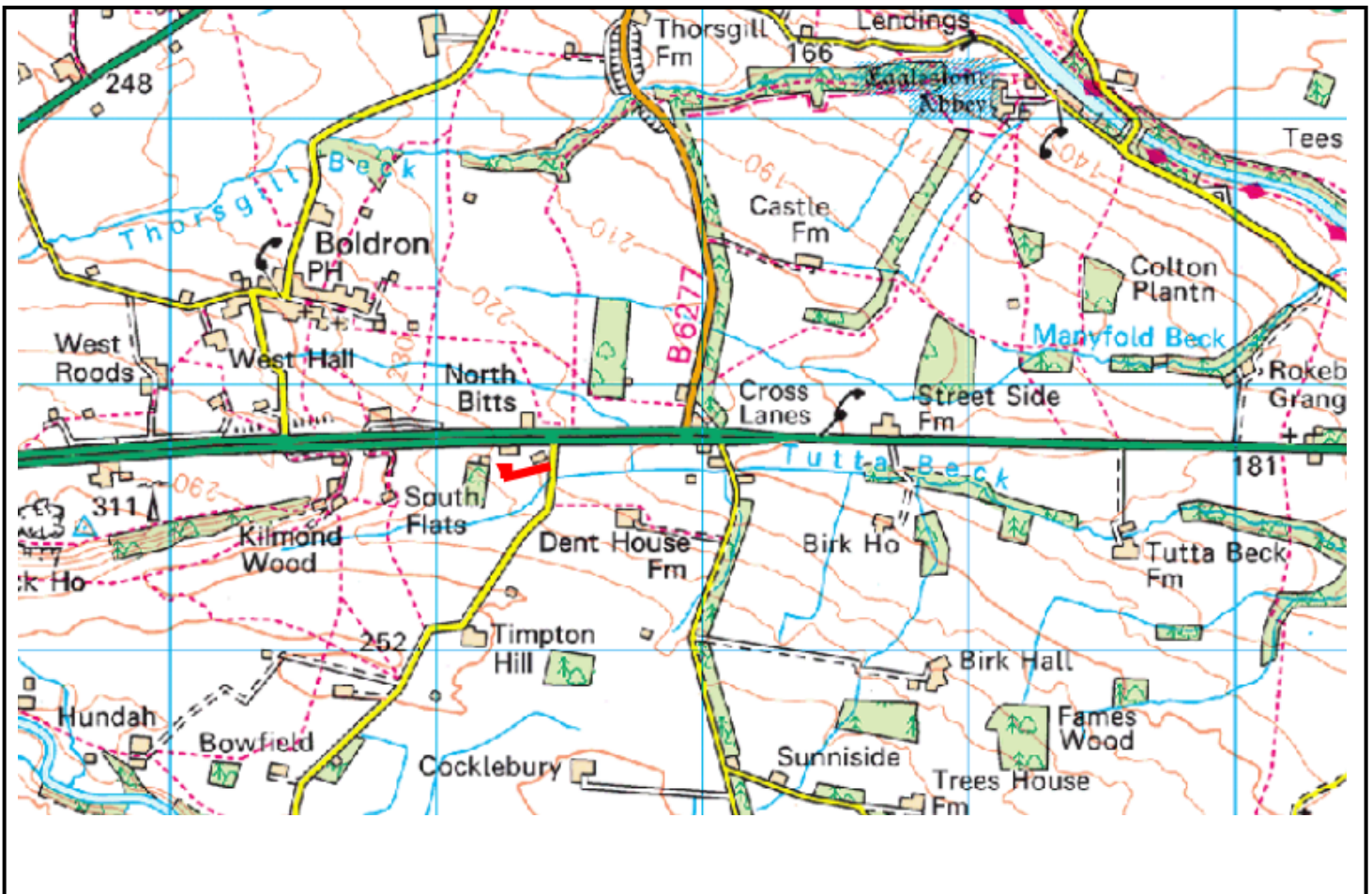
affected by noise pollution. In the absence of such adequate assessment it cannot be judged that the development would not result in such unacceptably harmful impacts.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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) 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
- Teesdale Local Plan
- Statutory, internal and public consultation responses



Planning Services

DM/15/02063/FPA

Erection of turbine no. 2 a 46.3m tip height turbine with associated access and sub-station (one of two turbines sought under two planning applications)

Mr M Thompson

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Date
September 2016

Scale
Not to scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/16/01522/OUT

FULL APPLICATION DESCRIPTION: Outline application (all matters reserved except partial means of access, to, but not within the site) for the erection of up to 125 dwellings, associated landscaping and parking, plus demolition of existing buildings

NAME OF APPLICANT: Stella Property Investments

ADDRESS: Land At The Former Sedgefield Community Hospital
Salters Lane
Sedgefield
County Durham

ELECTORAL DIVISION: Sedgefield

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 lies approximately 2.4km to the north of the centre of Sedgefield, and approximately 0.8km to the south of Fishburn and extends to 5.22ha gently falls from north to south by approximately 4m.
2. The land is principally comprised of concrete hardstandings, themselves the remnants of the former Sedgefield Community Hospital, which relocated in 2003. The north-west quadrant of the site however comprises grassland, and also hosts a derelict building known as "Farm Villa". There are few groups of trees within the site, notably at the northern boundary, and north eastern corner, with a further row on the western boundary, and individual trees in the southern part of the site.
3. The site is bounded to the east by the B1278 (Salter's Lane), to the north by Lizard's Lane which provides access to Lizard's Farm, and to the south and west, agricultural land, beyond which, to the South lies NETPark and the former Winterton Hospital Site.
4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although a section of road verge adjacent to the A177 approximately to the west of the site, is designated as a Local Wildlife Site. No recorded public rights of way are contained within the application

site. The application site contains no watercourses, though the River Skerne is within approximately 200m of the northern and eastern boundaries of the site, with site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is The Church of St Luke, a Grade II listed building located approximately 640m to the south west. Beyond this, and also to the south west of the site lies Hardwick Park Conservation Area, and Sedgefield Conservation Area, located 1.2km, and 2km away, respectively.

5. The site is allocated within Policy L15 of the Sedgefield Borough Local Plan for use as a Community Hospital, Residential Institution or Open Space.

The Proposal

6. The application seeks a residential development of 125 dwellings, with all matters other than partial means of access reserved for later consideration. A density of around 30 dwellings per hectare is envisaged, as is a range of dwellings between 1 and 5 bedrooms, and in a mix of terraced, semi-detached and detached configurations.
7. Access to the site is proposed from the B1278, and an indicative masterplan suggests entry to the development passing through open green space and an area of Sustainable Urban Drainage (SUDS), with the Design and Access Statement suggesting that the wider development could take the form of character areas.
8. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

9. The site has previously benefitted from planning permission to erect a 64 bed secure healthcare facility (7/2007/0162/DM) approved in June 2007, which was later amended to allow use as both a medium and low security residential healthcare facility (7/2009/0034/DM) approved in April 2009. However, these permissions were never implemented, with an application to extend the time limit for implementation (7/2010/0099/DM) being withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

10. 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’.
11. 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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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, minimizing 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.
19. *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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

20. 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; flood risk; land stability; light pollution; natural environment; 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.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy E1 – Maintenance of Landscape Character.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
22. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
23. *Policy H8 – Residential Frameworks for Larger Villages –* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
24. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
25. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.

28. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
29. *Policy L15 – Winterton Estate.* Requires development proposals on the Sedgefield Community Hospital Site to form part of a comprehensive planning scheme that conserves the setting of the Winterton Hospital Site, retains buildings and site feature of importance, includes business uses as a significant part of any mixed use development, and maintains the open land between the Winterton Hospital Site, and the Sedgefield Community Hospital Site. Specifically, the Sedgefield Community Hospital Sites is identified as being suitable for use a Community Hospital, Residential Institutions and Open Land Uses.
30. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
31. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
32. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
33. *Policy D5 – Layout of New Housing Development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
34. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
35. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

36. 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 Sedgefield Neighbourhood Plan

37. In September 2013 Sedgefield Town Council was granted approval for the designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan (NP) has been submitted to the County Council and the submission consultation was completed on 29th March 2016.
38. The Examination Report has now been delivered and it recommends deleting some of the policies in the plan, including the settlement boundary policy (Built up Area Boundary, "BUAB") and references to a housing number ceiling of 300 units and no weight can now be given to this intended policy.
39. The policies that have been identified as having the potential to remain in the Plan, subject to modifications, include:
 - Policy 3 – Aged Person Housing
 - Policy 4 – Design and Style of Housing
 - Policy 5 – Cycling and Walking Access
 - Policy 7 – Recreational Facilities
40. The exact nature of the modifications are included in the Examination report, however it is noted that they need to be agreed by the County Council and cannot therefore be regarded as finalised, while it is also noted that there has been no referendum on the redrafted Plan.
41. The NPPF advises that the amount of weight that can be attributed to the Neighbourhood Plan is dependent upon the stage of preparation and the extent to which there are unresolved objections to relevant policies, as well as the degree of consistency with the framework itself.
42. On balance while there remains work to do to refine the above policies that may remain in the NP, given its stage of development it is considered that weight may be attributed to these elements of the NP.

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/ldf> (Sedgefield Borough Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Sedgefield Town Council* – No objections to the application. The principle of development on this brownfield site is supported, however there is concern that a lack of specific detail with regards to arrangements for access/egress, parking/garaging arrangements, affordable housing, housing mix, and design will lead to the application failing.

44. *Highway Authority* – No objections are raised, subject to the provision of a pedestrian refuge island on the B1278, the provision of a 2.4 x 120m junction visibility splay, and the implementation of a Residential Travel Plan.
45. *Northumbrian Water* – No objections are raised, but it is noted that Sedgefield Sewerage Treatment Works is nearing capacity and has a 300 dwelling/unit headroom. The Local Authority must coordinate the decision making process so as to ensure that the 300 dwelling/unit headroom is not exceeded.
46. *Drainage and Coastal Protection* – Raise no objections. It has been established that the site is not suitable for deep infiltration techniques and a surface SuDS system would be required, and that a connection to the surface water sewer at a rate of 18.4l/s is acceptable. It is agreed that the Council would adopt and maintain a SuDS structure in accordance with the Council SuDS Adoption Guide 2016.

INTERNAL CONSULTEE RESPONSES:

47. *Spatial Policy* – Officers note that benefits in the form of delivery of housing and the reuse of previously developed land (PDL) (provided that it is not of high environmental value) would accrue from the proposed development. However, weighing against the scheme is the location. It is categorised as unsuitable (red) in the 2013 SHLAA on account it is considered to be detached from a recognised settlement and located within the open countryside. In this respect, it is questionable whether development of housing on this site would help achieve the delivery of sustainable mixed communities despite affordable housing being included, as the site is not that well related to either Sedgefield village or Fishburn village. The comments of Sustainability colleagues can clarify this matter and the suitability and accessibility of the location for development.
48. If the site was not PDL, officers would not look favourably on the development of a greenfield site which is effectively located within the open countryside. In assessing the planning balance in relation to NPPF Paragraph 14, the second limb can apply in the context of resisting isolated housing development which brings SBLP Policy H8 into consideration. Although this Policy has reduced weight, due to the lack of a 5 year housing land supply, it retains some weight as it identifies the area as being in countryside and to a degree isolated. SBLP Policy L15 identifies the option of a residential institution use on the site, but this 20 year old policy predates then NPPF and the resistance of isolated development.
49. The balance to be assessed is the opportunity to contribute to housing supply and the bringing back of a PDL site into use, balanced against the location of the site in relation to NPPF's resistance to isolated housing developments and the potential to increase the use of the private car due to its location.
50. *Landscape* – Object, noting that the proposals would have significant landscape and visual effects. Although the landscape is attractive, unremarkable, the proposed development would change the landscape character from an abandoned semi-rural site, to an urban landscape that sits within the open countryside.
51. *Landscape (Arboriculture)* – No objections, however concerns are raised with regards to the loss of the hedge at the frontage of the site with the B1278, and the potential for retained trees within the site to have relationships with proposed dwellings that would lead to conflict, and pressure to remove them.
52. *Design and Conservation* – No objections are raised. The site contains no designated or known non-designated heritage assets; however there are a number

of detailed design issues relating to the indicative layout that would need to be revisited prior to the submission of reserved matters.

53. *School Organisation Manager* – No objections are raised. The development is likely to produce 38 primary and 15 secondary school pupils. As of September 2017 there will be no capacity at Sedgefield Community College, but 53 spare primary school places. Consequently a contribution of £238,800 would be required to provide additional capacity for secondary school pupils.
54. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.
55. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted geo-environmental appraisal identifies that contamination is present, and a suitable means of remediation identified. A planning condition is suggested requiring a Phase 4 Verification Report on completion of remediation.
56. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is suggested to secure a noise survey in order to establish the existing noise climate before any layout is finalised, and to secure adherence with noise limits. Planning conditions relating to working hours, site operation and asbestos remediation are also suggested.
57. *Ecology* – Raise no objections. A judgement as to the likelihood of significant effects to occur upon European sites has been undertaken and it is concluded that such significant effects are unlikely to occur. Some concerns are raised with regards to the level of biodiversity enhancements that the proposed development would deliver.
58. *Sustainability* – Objections are raised. Accessibility to services, facilities and main towns from this location is an issue, and the development would be relatively isolated. It is extremely likely that a majority of journeys made to and from the site will be by private car. Further details with regards to how the scheme embeds sustainability and minimises carbon from construction and operational emissions are requested, but can be secured by means of a planning condition.
59. *Archaeology* – Raise no objections, considering that the site has very low archaeological potential.
60. *Natural England* – Submitted no comments within their formal consultation response.
61. *Housing Delivery* – Raise no objections. The 10% affordable housing requirement is proposed by the applicant. A tenure mix of 75% affordable rent and 25% affordable home ownership is advised.
62. *Access and Public Rights of Way* – Raise no objections. No public rights of way are within or abut the site. The closest public right of way would remain unaffected by this proposal.

PUBLIC RESPONSES:

63. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 7 letters of objection, 2 letters offering neutral comments, and 26 letters of support have been received. The matters raised are summarised below.

Objection

- Services within Sedgefield and Fishburn are already stretched and this would only be exacerbated by more housing;
- The proposal comprises a large scale development in an isolated rural location with poor access to services, particularly for the young and elderly, who are less likely to have access to a car;
- Parking and traffic problems within Sedgefield and Fishburn will be increased due to the fact that services would not be within walking distance;
- Excessive development in Sedgefield will saturate the market, and devalue properties;
- The site was identified as being unsuitable for housing development with the County Durham Strategic Housing Land Availability Assessment, and would be better utilised as part of NETPark;
- There would be an adverse impact on highway safety due to the location of the access close to the brow of a hill;
- The proposal is contrary to some provisions of the Sedgefield Town Plan;
- The ability of a site at Salters Lane Industrial Estate to come forward for alternative uses would be compromised as a result of this development;
- The site would increase the risk of coalescence of Sedgefield and Fishburn, and could lead to ribbon development;
- The site is not needed to meet housing need in Sedgefield.

Neutral

- Not in favour of any additional housing in Sedgefield, however it is acknowledged that if any proposal is to be approved, then it should be this one, as it involves the redevelopment of a brownfield site;
- The redevelopment of a brownfield site is welcomed, however this site is isolated, and will encourage car use, as well as being a potential catalyst for ribbon development.

Support

- This site meets the requirements of the Sedgefield Town Plan, which includes it within the Built Up Area;
- The redevelopment of this site would remove the need to locate housing on greenfield sites;
- This proposal would lead to the welcome redevelopment of a longstanding brownfield site;
- Housing development on this site, would be the least likely of all recent housing proposals to result in damage to the town;
- The site is conveniently located for access to NETPark;
- The proposal represents a common sense use of a derelict site which is an eyesore;
- The proposed layout is appropriate, the houses would not be crowded, and the layout incorporates good pathways and cycle connections;
- The development of this site would protect green agricultural land elsewhere in Sedgefield;
- This site is the first choice for new housing development for many residents;
- 125 dwellings is an appropriate number for this site, and the site displays attributes all development sites should.

64. *Durham Constabulary* – No objections.

APPLICANTS STATEMENT:

65. No statement has been submitted.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

66. 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 the development, locational sustainability of the site, character, landscape and visual impact, affordable housing, residential amenity; highway issues, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

67. Planning permission has previously been granted at the application site for a 64 bed secure healthcare facility, later amended to allow use as both a medium and low security residential healthcare facility. The applications were considered in 2007 and 2009 respectively having regard to development plan policies and Government guidance in place at that time. Given the differences between the purpose and nature of the previously proposed healthcare facilities and a residential development of up to 125 houses, it is not considered that because a healthcare use was considered acceptable that a housing site would also be.

The Development Plan

68. 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 Sedgefield Borough Local Plan (SBLP) remains the statutory 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 local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

69. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, 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. 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

70. 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.

71. 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.
72. 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 SBLP are out-of-date as outlined below.

Five Year Housing Land Supply

73. 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, 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.
74. 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)
75. 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.
76. Whilst none of the three scenarios within the Issues and Options been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which will be identified as the OAN following consultation in the Preferred Option

Stage Local Plan, the Council has a robust supply of housing which even in the most exacting scenario is not significantly short of 5 years.

77. 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 local plan 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.
78. Given the age of the SBLP 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.
79. The recent Court of Appeal judgment in *Richborough Estates v Cheshire East Council* emphasises that 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.

Assessment having regards to Development Plan Policies

80. SBLP Policy H8 is considered largely consistent with the NPPF as it seeks to direct housing to the most sustainable settlements that can support it 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 moderate weight can be afforded to this Policy in accordance with Paragraph 215 of the NPPF.
81. SBLP Policy H8 identifies the residential framework within which housing development would normally be approved, ostensibly to “balance the need for new housing whilst maintaining the character of the countryside”. The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to house proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it is considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it.
82. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
83. SBLP Policy L15 sets out the overall development aspirations for the former Winterton Hospital and Sedgefield Community Hospital sites. The Policy identifies a range of uses for the Winterton Hospital site which include business and housing uses, which have since been delivered in the form of the Winterton Park housing development, and the successful North East Technology Park (NETPark). With regards to the Community Hospital site, it identifies Community Hospital, Residential Institutions and Open Land Uses as being appropriate. The permitted uses reflected the sites established use at that time in terms of it being acceptable for redevelopment as a community hospital or residential institution, and failing the

provision of such facilities that it's only other appropriate use was for open land uses. This is considered to be reflective of the location of the site and its divorced nature from either Sedgfield or Fishburn.

84. SBLP Policy L15 can be considered to be a policy for the supply of housing given that it identifies housing as forming part of a mix of uses on the Winterton Hospital site. The Policy is therefore considered to be out of date for the purposes of Paragraph 14 of the NPPF, and as a result, the weight to be given to the Policy is diminished.
85. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
86. Policies for the supply of housing within the SBLP are out-of-date, and are either not relevant to this proposal, or 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 the acceptability of the development largely 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

87. The County Durham Settlement Study is an evidence based document which categorises Sedgfield as a "Smaller Town/Large Village", and Fishburn as a "Local Service Centre". These settlements are considered to be localised centres which are generally self-sustaining with key facilities. It is considered likely therefore, that residential development in these settlements would be largely locationally sustainable, subject to specific site constraints.
88. However, the application site lies within neither settlement, and is located approximately equidistance between the two, and therefore the accessibility to services in both settlements is reduced.
89. Paragraph 17 of the NPPF outlines the 12 core land-use planning principles that should underpin decision-making. Among these principles it is identified that, amongst other things that planning should;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
 - contribute to conserving and enhancing the natural environment and reducing pollution;
 - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;

90. Additionally, Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Such circumstances are identified as being;
- An essential need for a rural worker to live permanently at, or near, their place of work; or
 - Where such development would represent the optimal viable use of a heritage asset, or would be appropriate enabling development to secure the future of heritage assets; or
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - The exceptional quality or innovative nature of the design of the dwelling.
91. SBLP Policy D3 states that developments should provide for all modes of access, including safe and convenient pedestrian and cycle routes. This policy is considered to be NPPF consistent, and full weight can still be afforded to it.
92. With regards to locational sustainability, and having regards to NPPF, the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by both foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic.
93. The Institution of Highways and Transportation (CIHT), in their document “Providing for Journeys” suggest the following walking distances to services:

	<i>Town centre</i>	<i>Commuting/ School/ Sightseeing</i>	<i>Elsewhere</i>
<i>Desirable</i>	<i>200m</i>	<i>500m</i>	<i>400m</i>
<i>Acceptable</i>	<i>400m</i>	<i>1000m</i>	<i>800m</i>
<i>Preferred Maximum</i>	<i>800m</i>	<i>2000m</i>	<i>1200m</i>

94. The performance of the site against these standards can be summarised thus;

<i>Service</i>	<i>Distance</i>	<i>Classification</i>
<i>Primary School: Fishburn</i>	<i>1,500m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>Secondary School: Sedgfield Community College</i>	<i>2,600m</i>	<i>Beyond Preferred Maximum</i>
<i>College/HE: Durham, Stockton or Peterlee</i>	<i>16,000m</i>	<i>Beyond Preferred Maximum</i>
<i>Larger Retail Facilities: Sainsbury's Sedgfield</i>	<i>1,700m</i>	<i>Beyond Preferred Maximum</i>
<i>Local Shop/Post Office: Fishburn</i>	<i>1,400m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>GP: Fishburn</i>	<i>1,300m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>Leisure/Community Centre: Fishburn</i>	<i>1,400m</i>	<i>Beyond acceptable but within preferred maximum</i>

<i>Community Centre</i>		
<i>Public Open Space: NETPark</i>	<i>850m</i>	<i>Beyond Preferred Maximum</i>
<i>Main Town Centre: Newton Aycliffe</i>	<i>14,500m</i>	<i>Beyond Preferred Maximum</i>
<i>Retail Park: Dragonville, Durham</i>	<i>17,700m</i>	<i>Beyond Preferred Maximum</i>
<i>Industrial Estate/Science Park: NETPark</i>	<i>850m</i>	<i>Acceptable</i>

95. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. An example, being access to a local GP, which at 1.3km, is 500m above the acceptable level and 100m beyond the preferred maximum walking distance for a person without any mobility impairment. In addition, Sedgefield Community College is 600m above the preferred maximum walking distance. It is noted that the site only achieves an acceptable walking distance in only one category 'Industrial Estates', which is due to the site's proximity to NETPark. Further, it should be noted that at recent appeal decision at Leamside, that an Inspector found that walking distances of between 800 – 1200 metres would generally discourage walking, particularly for the elderly or small children, particularly relevant in this case of small children given the distance to schools. Further, the footpath adjacent to Salters Lane varies in its width, and the routes to both Fishburn and Sedgefield are of an undulating nature, making the route less attractive for regular pedestrian use, than it perhaps would otherwise be in an urban setting. Overall therefore, it is considered that the site performs poorly in terms of access to services for pedestrians. Having regard to SBLP Policy L9 it is acknowledged that a new 3m wide footway/cycleway is proposed along the frontage of the proposed development with pedestrian connections along the northern boundary north of Lizards Lane and onto Salters Lane. Even if secured their provision does not address concerns identified.
96. In terms of cycle access, the site does perform better, with services in Fishburn lying within a 5 minute cycle ride, and Sedgefield accessible within 5 – 15 minutes, although these times are based upon a cycling speed of 16km/h, which is a speed achievable by a regular "fast commuter", but not necessarily the more casual cyclist, suggesting that for some demographics of potential residents, such journeys may well be longer. There is also a dedicated cycle route through NETPark, towards Sedgefield Town Centre, which accords with SBLP Policy T1, which seeks to ensure safe, attractive and convenient footpath and cycleways are provided. Whilst it is apparent therefore that access to some services from site by means of bicycle is feasible, some services would remain beyond 8km, or 30 minutes cycling distance, notably access to Higher Education, wider retail opportunities, and main town centres.
97. Bus stops are located on Salters Lane, with a southbound stop located opposite to the entrance to the site, and a northbound stop located 100m further to the south, and these are considered to be within an acceptable walking distance. The stops are served by a number of services, namely the 21, 21A, 113 (erroneously referred to as the 33 in the submitted Transport Assessment), 239 and 952.
98. Of these services, the 21, 21A and 113 offer hourly services throughout the day, until early evening on Monday – Saturday, with only the 21 providing an hourly service on

a Sunday. The 239 operates hourly during the evening from 19:00 until 23:15, whilst the 952 provides a twice daily service to Trimdon Colliery, at approximately midday and 17:00, and a once daily service to Newton Aycliffe at around 07:00.

99. It is accepted that between them, that these services provide access to most services, and that a journey to Sedgefield would take approximately 6 minutes, Fishburn 4 minutes, Darlington 40 minutes, and Middlesbrough in around 1 hour. However, the applicant's claim that the bus provision effectively equates to a bus every 15 minutes is not considered to be reasonable. At best there would be 3 buses per hour for most of the day, then reducing to 1 bus per hour after 18:10. On a Sunday there would be 1 bus per hour, only between the hours of 09:11 – 17:11. It is also noted that during the day, that the timings of bus services effectively mean that at present buses serve the site at approximately 35, 49 and 05 minutes past the hour. Whilst this is a 3 bus an hour service, the timings are such that it is rather a 3 buses in 30 minutes, and then none for a further 30 minutes.
100. Overall it is considered, that locationally, the site does not form part of either Sedgefield, or Fishburn, and is not visually related to either, with the site lying at a low point between the two settlements, and is considered to be in an open countryside location. As has been set out above, it is considered that the site has only limited access to some services by means of transport other than by car, and that those alternative means are not suitable for all. In particular, walking distances are towards the upper limit of may be reasonably expected. The proposal is not supported by Sustainability officers.
101. In such circumstances, it is considered that the location of the development would not meet the social role expected from a sustainable development; that it should support strong, vibrant and healthy communities, by providing housing that has accessible local services, reflecting the community's needs, as set out in Paragraph 6 of the NPPF, as well as meeting the aims of Paragraph 30 of the NPPF which states that patterns of development should facilitate the use of sustainable modes of travel, NPPF Paragraph 34, which states that developments that generate significant movement are located where the need to travel will be minimised, and that sustainable transport modes can be maximised, and Paragraph 35 of the NPPF, which states that development should be located to give priority to pedestrian and cycle movements, have access to high quality public transport, and consider the needs of people with disabilities and the elderly.
102. Additionally, the proposed development, as a result of its location would fail to provide convenient pedestrian connections to schools, shops, community facilities and places of employment, contrary to SBLP Policy D3.
103. There are concerns regarding the site's sustainable location, local footpath connections and availability of public transport which limit the choice for prospective residents as to how they travel. The proposed development is therefore considered to be contrary to Paragraphs 30, 34 and 35 of the NPPF. Having regards to the above, the site can be considered as being isolated, for the purposes of Paragraph 55 of the NPPF.
104. The applicant has referred to a recent appeal decision in respect of the former Homelands Hospital, Helmington Row, Crook. The County Council refused planning permission in 2014 for the demolition of existing buildings and the erection of 49 dwellings for reasons that included the sustainability of the location of the proposed development. The appeal was allowed in April 2016 with the Planning Inspector considering, amongst other matters, that the redevelopment of a previously developed 'brownfield' site would weigh substantially in support of the proposals and

he was satisfied that the site was situated within an accessible and sustainable location for new development, with particularly good access to public transport. Although the applicant may consider the proposals are comparable to the proposed development there are key differences. The Homelands Hospital development involves the demolition of existing buildings and the erection of 49 properties. The existence of redundant buildings at Homelands provides some support from Paragraph 55 of the NPPF. In comparison the application site has been cleared for a number of years with only the foundations remaining with the openness of the site being a landscape characteristic over this time.

105. The scale of the Sedgefield Hospital proposal is much greater than that at Homelands, up to 125 houses are proposed which would result in a significant amount of built development being introduced into a countryside location, comparable with a housing estate in an urban location. The number of properties proposed would result in a large number of future residents potentially relying on the use of the private car to access services and facilities, significantly more than those associated with the Homelands proposal given the greater number of properties proposed. Although it can be argued that comparisons can be made between the two developments it is the case that there are material differences and each application must be considered on its merits.

Character, Landscape and Visual Impact

106. The application site lies within the upper Skerne Valley, and is identified within the County Durham Landscape Character Assessment as being Lowland Plain of the Tees Lowlands Character Area. The immediate local landscape is described as being plain farmland and open pasture, with an overall aspiration to 'conserve and restore'. This landscape is generally considered to be attractive, if unremarkable and is not covered by a national or local landscape designation. SBLP Policy E1 identifies the site as being within the Southern and Eastern Lowlands of the plan area, recognises the role that the mainly agricultural landscape plays in providing the setting for Sedgefield and Winterton Hospital, and states that existing landscape features should be retained within any development. This Policy is considered to be NPPF compliant, and significant weight can continue to be afforded to it.
107. It is acknowledged that as a result of its previously developed nature, the site does not possess a particularly notably attractive character. The site itself is largely characterised by the numerous concrete pads upon which the hospital buildings formerly stood, although these are not widely apparent from outside of the site. However, the site does still contain a number of trees and hedgerows of some value, and in being almost entirely cleared of development, provides open vistas, maintains the distinct visual separation between Sedgefield and Fishburn, and generally cannot be considered to have any particular negative impact upon the character of the local or wider landscape; overall it is considered that its contribution is largely neutral.
108. However, the development of the site would change the character of the site, as well as having further reaching impacts upon the character of the locality. Residential development on the site, particularly given the amount of development proposed, would have the potential to appear prominent from Salter's Lane, and from higher ground to the south and west of the site close to the northern edge of NETPark. There would also be views from in and around Lizards Farm which lies to the north.
109. The character of the this open corridor between Sedgefield and Fishburn would be eroded, and visually when travelling along Salters Lane in a northerly direction, the current experience of leaving Sedgefield and passing NETPark, before entering a visual break in development (with the exception of Willowdene Care Home) of

around 1km, would be reduced to an effective break of around 300m before the development was reached, and then a further break of 480m before the reaching the outskirts of Fishburn. By breaking this larger visual separation into two separate smaller breaks, the sense of leaving Sedgefield, entering open countryside, and then re-entering a built-up area in Fishburn would be replaced by an incongruous suburban experience, located within a wider agricultural landscape.

110. SBLP Policy E15 seeks to retain important groups of trees and hedgerow and replace any trees which are lost. The proposal is in outline and detailed layout and landscaping proposals would be submitted at the reserved matters stage should planning permission be granted although there are concerns as to whether or not it would be practical to retain existing trees and hedgerows in the longer term. The proposed development would not accord with SBLP Policy E1 relating to the maintenance of landscape character and SBLP Policy D1 relating to the general principles for the layout and design of new developments in that the proposal although in outline would not fit into a landscape scheme for the landscape are in which it fall, the Southern and Eastern Lowlands. SBLP Policy L15 requires development to form part of a comprehensive planning scheme that, amongst other matters, concerns the landscape setting. The proposed development would be contrary to this.
111. Landscape officers object to the proposal considering the development would have significant landscape and visual effects, inevitably changing the landscape character from an abandoned semi-rural site to an urban landscape location that does not relate well to the adjacent settlement of Sedgefield or Fishburn. The proposal would conflict with SBLP Policies L15, E1 and D1. Furthermore it is considered that the proposal would conflict with the recognition within the NPPF of the intrinsic value and beauty of the countryside at Paragraph 17.
112. The harm that results should be factored into the planning balance, having regards to NPPF Paragraph 14.

NPPF Paragraph 55 and the balancing exercise

113. As set out above, Paragraph 55 of the NPPF states that new residential development in isolated locations should be avoided, except in particular circumstances, and further, that this particular development would constitute residential development in such a location.
114. Having regards to the exceptions contained within NPPF Paragraph 55, it is considered that this particular proposal does not meet any of those cited. No case for an essential need for rural workers to live permanently at, or near, their place of work has been advanced; no heritage assets are involved, and whilst the site is previously developed, the development would not lead to the use of redundant or disused buildings and nor, arguably, lead to an enhancement to the immediate setting. Whilst the application is outline form only it is not possible to demonstrate that the proposed dwellings would be of such design quality, so as to satisfy that particular exception. As a result the proposed development is considered to be contrary to NPPF Paragraph 55.
115. NPPF Paragraph 14, as outlined above, introduces a planning balance test, where relevant housing policies are out of date. It additionally weights this balancing exercise by introducing a presumption in favour of sustainable development, whereby any adverse impacts should significantly and demonstrably outweigh any benefits, in order to justify the refusal of an application.

116. However, there is a second limb to this balancing exercise, which disengages the presumption in favour of sustainable development, where specific policies within the NPPF indicate that development should be restricted. It is considered that Paragraph 55 constitutes such a policy, and as has been established, this proposal is an isolated residential development, which does not benefit from any of the Paragraph 55 exceptions.
117. As a consequence, it is considered that this particular proposal is subject to the second limb of NPPF Paragraph 14, in that the balancing exercise should still be carried out, however, there is no presumption in favour of development, and that any adverse impacts need not “significantly and demonstrably” outweigh any benefits of the scheme, in order for the proposal to be considered unacceptable.

Affordable Housing

118. 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 SBLP Policy H19 encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
119. The Council’s evidence base for the Sedgefield area suggests that a proportion of affordable housing amounting to 10% would be required on this site, amounting to 13 dwellings, and the Housing Delivery Team have requested that this be delivered in the form of 75% affordable rent, and 25% affordable home ownership.
120. The applicant has confirmed that this requirement can be met as part of any Section 106 legal agreement, and therefore the proposal is considered to be acceptable in this regards.

Residential Amenity

121. At present only limited, indicative details are available with regards to layout and design, with the application being in outline form only. However, it is considered that in principle, residential development could be accommodated on the site without unreasonable loss of residential amenity, due to the absence of existing residential development close to the site. Certainly, the houses would be visible, particularly to occupiers of Willowdene Care Home (immediately to the north) and The Lizards (approximately 105m to the west), however, adequate separation distances that comply with SBLP Policies D1 (NPPF consistent) and D5 (partially NPPF consistent), could be achieved, by means of a considerate layout.
122. Furthermore, due to the outline nature of the application, it is considered that it is difficult to fully appraise the development against the requirements of SBLP Policies D1, D2 and D3 (which are NPPF compliant), however based upon the submitted masterplan, it appears that a suitable development of up to 125 dwellings could be achieved on the site. The requirement of SBLP Policy D9 to incorporate artwork in the development is not fully NPPF consistent, however the NPPF is supportive of creating well-designed places, and the provision of public art would contribute towards this aim. Incorporation of public art within any scheme could be secured by means of planning condition.
123. In terms of noise, Environmental Health and Consumer Protection officers raise no objections. It is noted that there would likely be some properties close to the B1278,

and a noise survey would be required to establish the noise climate during any detailed design phase, and incorporate mitigation measures as necessary. A condition could be attached to any planning permission in order to secure this.

124. The construction phase of the development would be temporary. However, the proximity of a nursing home adjacent to the site means that construction noise has the potential to have an impact upon residential amenity. A construction management plan can be agreed under condition so as to agree methods of reducing the potential disturbances that the development of the site may bring including burning of waste on site, dust and requirement for an asbestos survey. Furthermore a condition can be added to any planning permission requiring agreement to be reached on a Dust Action Management Plan during the construction.

Highways Issues

125. 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.
126. The Highway Authority raises no objections to the content of the submitted TA. It is considered that the level of traffic generation would not result in any severe impacts on the operational capacity of the highway network. This assessment of the operational capacity of the highway network has taken into consideration the potential for cumulative impacts. The provision of a pedestrian refuge island on the B1278, a 2.4 x 120m junction visibility splay, and the implementation of a Residential Travel Plan could be secured should planning permission be granted.
127. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. No concerns are raised by the Highways Authority in relation to highway safety matters.

Flood Risk and Drainage

128. 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.
129. The application is accompanied by a flood risk assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
130. The FRA identifies that site is at low risk of flooding from fluvial, groundwater, sewer and other man-made sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. The Council's Drainage and Coastal Protection Team have considered the content of the FRA, and concur with its conclusions.

131. With regards to how the development would address drainage, the application demonstrates that infiltration tests have taken place that identifies the disposal of surface water by this method will not be viable. Further, disposal via the River Skerne is not an option as it is in third party ownership, and would require the construction of a pumping station.
132. As a result, it is proposed to dispose of surface water via connection to the public sewer, discharging at a rate of 18.4l/s, which is reflective of greenfield rates. Surface water attenuation will be provided on site in the form of a SUDS scheme, which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
133. The Council's Drainage and Coastal Protection have indicated that they are satisfied with these proposals, and further that the SUDS structure will be adopted and maintained by the Council, in accordance with the SUDS Adoption Guide 2016, with costs being met through an estate rent charge.
134. With regards to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure this.
135. The development is considered acceptable and compliant with Part 10 of the NPPF in this regard.

Ecology

136. The application is accompanied by an Extended Phase 1 Habitats Survey report, which has been updated during the course of the application.
137. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Part 11 of the NPPF. In addition with regards to European Protected Species (EPS) under the requirements of The Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitat Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions provided within the legislation. However, the need to consider if an EPS licence may be granted only occurs where there would be interference with an EPS.
138. The Ecological Appraisal identifies that the remaining building on the site contains two Small Brown Long Eared Bat day roosts, several occasionally used Common Pipistrelle, and a single Mouse-eared bat roots were also encountered. Consequently, in order for the development to proceed, which would include the demolition of this building, an EPS licence would be required from Natural England to facilitate the development.
139. The bat survey notes the loss of this building would be unlikely to result in a significant impact on the local population due to the small size and status of the roosts, providing that appropriate mitigation is implemented. Proposed mitigation in this instance would take the form of 14 bat boxes to be installed on existing mature trees along the northern boundary of the site. In the longer term, four bat tubes would be incorporated into purpose built roof voids of selected garages, or houses,

within the site, and a further roof void in a detached garage would provide Brown Long Eared bat roosting opportunities.

140. 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.
141. Of these tests, it is considered that there would not be a satisfactory alternative to the demolition of the building, considering its condition and appearance. It could not be retained within the development, and is likely beyond economic repair. Further, in due course, its value as a roosting habitat would decline. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would likely secure this, subject to final appropriate locations being agreed within any detailed design scheme.
142. With regards 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.
143. In terms of other ecological impacts, a survey has been carried out to establish the site's suitability for Great Crested Newts, and it has been established that there are not any newts currently using the site.
144. The County Ecologist has raised some concerns with regards to the submitted Biodiversity Enhancement Plan, as it is considered that the biodiversity proposals appear to have been "retro-fitted" to an existing masterplan, and were unlikely to deliver the enhancements claimed. Paragraph 109 of the NPPF states that impacts upon biodiversity should be minimised, and that net gains should be provided where possible, and NPPF Paragraph 7 states that sustainable development should help to improve biodiversity, and NPPF Paragraph 118 states that opportunities to incorporate biodiversity in and around developments should be encouraged.
145. It is considered that as the application is in outline form, that it will be difficult to at this stage to form a comprehensive enhancement plan, with no final layout of the development being proposed. However, it is also considered that weakness of the submitted Enhancement Plan should be factored into the overall planning balance to be carried out in accordance with Paragraph 14. In this instance, notwithstanding the need for a Natural England licence, it would appear that there would not be substantial harm to biodiversity interests; however neither can significant weight be given to the claimed biodiversity enhancements as a benefit of the proposed development.

Impacts upon Heritage Assets

146. The application site does not lie within close proximity of any designated heritage assets, the closest being the Grade II listed St Luke's Church, situated some 600m away, and with no visual relationship with the site. Consequently, it is considered that there would be no material impact upon designated heritage assets. In terms of

non—designated heritage assets, it is noted that Lizards Farm does appear on early OS Maps, however, any significance would be minor, and any impact upon it as a result of this development are considered likely to be minimal, and certainly less than substantial.

147. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site. The detachment of the site is of concern. If the principle of housing is accepted in this isolated location it is recommended that the applicant revisit the proposed layout prior to submission of a reserved matters application as outlined above. Any outline approval should require detailed elevation plans and a materials schedule to be submitted at reserved matters stage.
148. With regards to archaeology, Archaeology officers consider that due to the previously developed nature of the site that it is unlikely, in this instance to be of archaeological interest, and the proposal is considered to be acceptable in this regard also.
149. Paragraph 135 of the NPPF states that the impact of an application upon the significance of a non-designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with impact upon significance being minimal, the application is considered to be acceptable in this regard.

Other Issues

150. SBLP Policy D8 expects developments to meet any servicing requirements, and contribute towards the offsetting of the costs imposed on the community. The policy is only partially NPPF consistent in that it does not make provision for the potential viability of developments to be taken into account, however the thrust of the policy is considered to be consistent with Paragraph 72 of the NPPF which attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. With regards to this, the School Places Manager has advised that as of September 2017 there will be no further capacity at Sedgefield Community College, and that the development is likely to generate secondary school place demand amounting to 15 pupils.
151. As result, a contribution of £238,800 is requested in order to provide the additional capacity to accommodate the additional pressures that would be created by this development. Such a contribution could be secured by means of a Section 106 legal agreement.
152. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). Should planning permission be granted then an appropriate amount of open space could be secured on site by planning condition or in lieu of onsite provision a financial contribution could be secured through planning obligation.
153. The possibility of the site being contaminated has been addressed by means of the submission of a geo-environmental site appraisal. The appraisal identifies that contamination is present, and a suitable means of remediation identified. Environment, Health and Consumer Protection officers raise no objection to the proposal and should planning permission be granted request the submission of a

verification report the completion of remediation through condition. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

49. 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. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested 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

154. The acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, however as the application is considered to be contrary to Paragraph 55, which is a policy that indicates that development should be restricted, the second limb of this test applies. Therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must only outweigh any benefits, and there is not a requirement for them to significantly and demonstrably do so.

Benefits

155. 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, although in the light of the supply position, this benefit is a limited one.
156. The judgement of the High Court in *Phides Estates (Overseas) Ltd v SSCLG*, 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;
157. 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.
158. Further, the level of contribution that the development would make to the 5-year supply is also considered to be relevant. Even if the full number of 125 dwellings is delivered within the next 5 years, which itself is unlikely having regards to industry delivery rates, this development would only contribute between 0.6 and 0.72 month's worth of supply, only raising, in itself the 5 year housing supply figures from between 4.04 and 4.65 years of supply, to around 4.1 and 4.7 years 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.
159. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA).

160. 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 which the submitted Planning Statement considers would be the equivalent of 187 during the construction phase, and a further 562 indirect jobs over the lifetime of the development. The Planning Statement also references a temporary economic uplift resulting from the development and expenditure benefits to the area.
161. The applicant has also stated that in accordance with the request from the Employability Team that they would enter into an agreement to secure targeted recruitment and training/local labour requirements.
162. Although the site was identified within the Sedgefield Neighbourhood Plan as being within the built up area boundary (BUAB) in light of the examiner's conclusions on this issue it is considered that this should not be afforded weight.

Adverse Impacts

163. The development would constitute residential development in an isolated location, contrary to NPPF Paragraph 55, and would therefore not constitute sustainable development.
164. Although the landscape value of the site itself is only neutral, the function that it carries out in a wider setting is of some value, particularly in terms of maintaining the sense of separation between the settlements of Fishburn and Sedgefield. This character would be substantially eroded by the introduction of a large residential development at this site.

CONCLUSION

165. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
166. There is no requirement in this instance for these adverse impacts to significantly and demonstrably outweigh the benefits of the proposal as the presumption in favour of sustainable development is not engaged. Therefore any amount of harm can be considered outweigh the benefits. Adverse impacts have been identified, most notably that the site is isolated, that it would not be easily accessible by a range of modes of transport other than motor car for the full cross section of society, and that it would have some adverse landscape impacts.
167. Whilst there are some benefits to the proposal, notably the boost to housing supply including affordable homes, direct and indirect economic benefits, it is considered that these do not amount to a particularly high level of benefits, and that they are outweighed by the particular adverse impacts identified. The proposed development cannot therefore be considered to be sustainable development.
168. Furthermore, it is noted that as there does not appear to be an overriding public interest in approving this development, then a Natural England Protected Species licence to demolish the single building on the site which contains bat roosts is unlikely to be granted.
169. The proposal has generated some public interest, with letters of objection and support 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.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

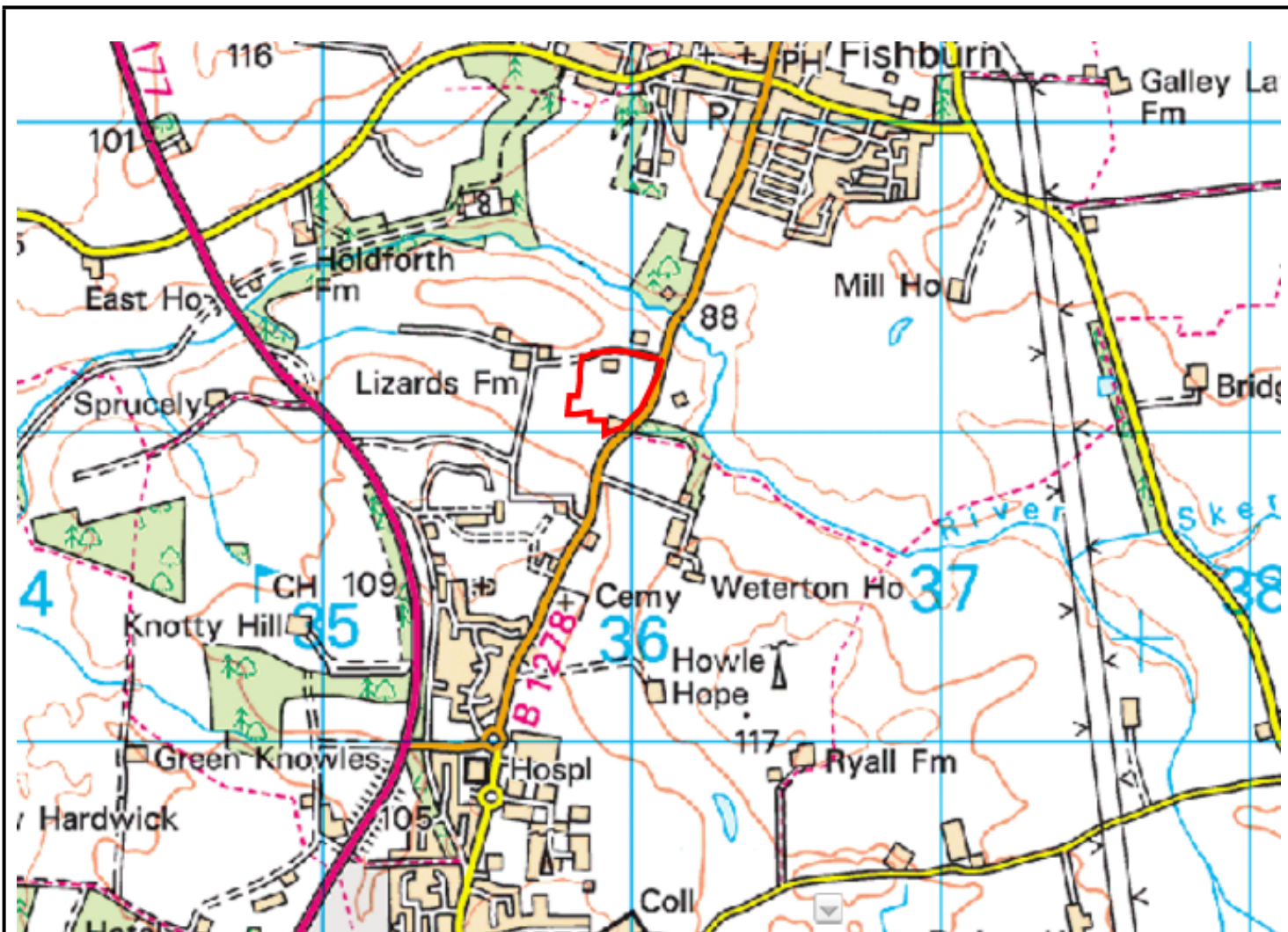
1. The proposed development, as a result of its nature, amount and location, would fail to meet the social role expected of a sustainable development as a result of its inadequate accessibility to local services, local footpath connections and availability of public transport which limit the choice for prospective residents as to how they travel contrary to Policy D3 of the Sedgefield Borough Local Plan and Paragraphs 6, 30, 34, 35 and 55 of the National Planning Policy Framework. It is considered that the proposed development would not therefore constitute sustainable development, and would constitute development that policies of the NPPF indicate should be restricted, in accordance with Paragraph 14 of the NPPF.
2. The introduction of a large residential development into an area of open countryside would have a detrimental impact on the character and appearance of the area contrary to Sedgefield Borough Council Local Plan Policies E1, L15 and D1 and Paragraph 17 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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
- Institution of Highways and Transportation (CIHT) document "Providing for Journeys
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/16/01522/OUT

Outline application (all matters reserved except partial means of access, to, but not within the site) for the erection of up to 125 dwellings, associated landscaping and parking, plus demolition of existing buildings

Land At The Former Sedgefield Community Hospital, Salters Lane, Sedgefield

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Comments

Date August 2016

Scale Not to scale

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