

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00526/FPA
FULL APPLICATION DESCRIPTION:	Hybrid application for the erection of a 57 bed care home, community hub/retail units, 20 affordable bungalows and outline permission for 61 residential units.
NAME OF APPLICANT:	Atelier26 Architecture
ADDRESS:	Land Near To Hargill Road And Railway Street Howden-Le-Wear County Durham
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of two distinct parcels of land. The first site, described as phase I, lies to the south of Howden-le-Wear on the edge of the settlement and extends to approximately 5.2ha. The site comprises greenfield land in an agricultural use, consisting of grazing pastures. Pockets of mature trees are present centrally to the site while trees protected by tree preservation orders border the site along Howden Beck to the north. An approximate 20m, level change is evident across the site falling in an easterly direction.
2. The southern boundary of the site is bordered by a Public Right of Way (No.157 Crook). The site is served by an existing field vehicular access on to Railway Street and Hargill Road. Howden Beck separates the site from the existing residential development of Howden Green to the north, while the site borders onto Hargill Road and Howden-le-Wear Primary School to the North West. To the south open countryside is present where the land steadily rises.
3. The second parcel of land, described as phase II, is located to the west of Hargill Road. It adjoins the south west edge of Howden-le-Wear extending to approximately 2.4 hectares in area. The site comprises greenfield land currently in agricultural use laid out in a rectangular shape, served by an existing field access onto Hargill Road. An approximate 5m level change is evident across the site falling in a northerly direction.
4. A public right of way crosses the site centrally (No.125, Crook) and wraps around part of the northern boundary and the full western boundary (Crook, 126). The residential dwelling of Garden House forms part of the northern boundary of the site, beyond which lies the built development of Howden-le-Wear. The remainder of the northern boundary borders surrounding agricultural land which falls away in level towards

Howden Beck by approximately 15m. To the west a wooded plantation and small pond is present, while to the north open countryside is present separated by a green lane.

- Both sites are located 1.5km to the north of Witton-le-Wear Site of Special Scientific Interest (SSSI) and the Low Barns Durham Wildlife Trust Nature Reserve. The Grade II Listed buildings of Fir Tree Grange are located 600m to the north of the sites. Witton-le-Wear Conservation Area which contains a number of listed buildings is located 2km to the south west of the site.

The Proposals

- The development is intended to be developed in two phases, the first phase on site 1 described above would provide for:-
 - An upgraded access taken off Railway Street leading to a series of cul-de-sacs and a cycle/footway linking onto Hargill Road.
 - A two storey 57 bed care home, sited centrally within the site laid out in a T shape measuring approximately 56m in width by 47m in length at a maximum height of approximately 8.6m. Parking would be located to the front elevation, with a separate access joining the proposed access road.
 - A single storey community hub, located centrally within the site next to the proposed care home. The building would measure approximately 29m in length by 21m in width with a ridge height of approximately 7m.
 - 5 retail units providing a total gross floor space of 451m² in a building measuring approximately 33m in width, 21m in length with a ridge height of 6.5m located adjacent the community hub.
 - 20- 2 bed semidetached affordable bungalows, consisting of 2 house types measuring approximately 8m in width by 10m in length with a ridge height of 5m. The units would predominantly cluster around a cul-de-sac to the east of the site, while additional units would be located to the northern and southern boundary of the site.
 - 19 self-build plots (outline, all matters reserved with the exception of access), located to the southern portion of the site laid out around a series of cul-de-sacs
- In terms of the Phase 2 development an illustrated masterplan (outline, all matters reserved with the exception of access) have been submitted indicating that the dwellings would be laid out around a series of cul-de-sacs served off one vehicular access way from Hargill Road. 4 affordable units are proposed to be provided within this phase.
- 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

- A hybrid planning application for a mixed use scheme for the erection of 10 bungalows, 3 detached bungalows, 25 self-build plots, a 57 bed care home, community centre and 7 retail unit located on the site associated with phase 1 was submitted but later withdrawn in 2014 (ref DM/14/03185/FPA).
- An outline planning application for the erection of up to 145 dwellings on part of the site associated with Phase II was also withdrawn in 2014 (ref DM/14/01651/OUT).

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical

reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, 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.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; 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:

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy ENV1 (Protection of the Countryside).* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
23. *Policy BE23 (Provision of Public Art).* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
24. *Policy GD1 (General Development Criteria).* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
25. *Policy H3 (Distribution of Development).* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.

26. *Policy H15 (Affordable Housing)*. The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
27. *Policy H17 (Housing for the Elderly, Handicapped and Disabled)*. Sets out that planning permission will be approved for proposals for the provision of residential and nursing homes provided it is located within an established settlement, is located on or close to public transport routes and protects the amenities of surrounding residents.
28. *Policy H24 (Residential Design Criteria)*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
29. *Policy RL5 (Sport and Recreation Target)*. For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
30. *Policy T1 (General Policy – Highways)*. All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-savedpolicies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan

31. 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:

32. *Highways Authority* – Raise no objection. Following amendments to the scheme, it is advised that subject to securing the detailed design of the proposed highway improvement works, proposed mitigation and visibility splays, the scheme as a whole is acceptable in highway safety terms. Concerns are raised regarding the

sustainability of the site and the distance of residential properties to services and amenities and bus stops and the likely reliance on the private motor car to access services.

33. *Drainage and Costal Protection* – Raise no objection. Officers advise that surface water runoff from the development will need to be controlled and discharged at a greenfield run off rate.
34. *Coal Authority* – Raise no objection. A condition to secure further site investigations to establish what mitigation measures may need to stabilise the site in relation to historic coal mining legacy is requested.
35. *Northumbrian Water* – Raise no objection. A detailed scheme for the disposal of foul and surface water should be developed and agreed by condition. The surface water strategy should prioritise the use of soakaways and existing water courses. The presence of a public sewer which crosses the site is highlighted.

INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy* – Object to the application advising that the principle of developing the site as a residential extension to the existing settlement of Howden-le-Wear would not be supported by the existing development plan (Wear Valley District Local Plan Policy H3). It is identified that this Policy is time expired on account it is based on an out-of-date assessment of housing need. Under the NPPF (Paragraph 49) housing applications should be considered in the context of the presumption in favour of sustainable development (Paragraph 14).
37. The NPPF seeks to boost significantly the supply of housing, and the delivery of housing counts in favour of the scheme. However, these sites are situated on the edge of Howden-le-Wear which possesses a relatively limited amount of shops, services and facilities available. The proposal would thus draw no support from the objective of seeking to direct development to those settlements and towns best able to support it. The proposed development would result in an unjustified and unsustainable form of development beyond the well-established settlement edge, with limited access to services, facilities and public transport. There are also elements of this application (retails units, self-build plots) which have no proven deliverability.
38. *Landscape*– Advise that the Phase 1 development, particularly its southern extension, would have a significantly detrimental effect on the landscape which is an attractive feature of the local landscape. The development of phase 2 would also have a significantly detrimental effect of on the landscape, particularly due to its extension so far beyond the line of the existing western extent of the village. It is also identified that several mature trees old enough to have been shown on the first edition of the Ordnance Survey map in approximately 1860, and are important contributors to the landscape character as well as features in their own right. While efforts to preserve these trees have been made, there would likely be future conflict with buildings and paths.
39. *Landscape (Arboriculture)* – Highlight the presence of a number of trees protected by tree preservation orders around the boundary of the site along with a number of mature trees of significant size and quality. It is advised that subject to the implementation of appropriate protection measures it is likely that the trees would not be adversely affected during construction. It is however highlighted that many of the buildings are in close proximity to mature trees and there could be future conflict and pressure on trees.

40. *Education* – Advise that a development of 61 houses (excluding the affordable bungalows) could generate an additional 19 primary pupils and 7 secondary pupils. It is advised that there are sufficient secondary school places but no primary school places available as the local primary school has no spare capacity. An additional classroom would be required to accommodate the additional pupils generated, a contribution of £222,395 is sought to fund this infrastructure requirement.
41. *Sustainability* – Advise that both phase 1 and phase 2 parts of the site are not considered to be within a short walking distance of secondary schools, post 18 education providers, health facilities or employment opportunities and bus accessibility is poor. Although Crook and Bishop Auckland are within a short drive, employment opportunities and retail facilities of regional/ national significance are over 7km away.
42. *Archaeology* – Advise that a geophysical survey of the site should be undertaken pre-determination followed by trial trenching depending on the results to ascertain the potential for archaeological remains on site.
43. *Design and Conservation* – Advise that when assessed against the Design Council's Building for Life 12 guide, the scheme overall scored exceptionally poorly identifying that there was no distinctive character within the layout and design of the development with an ad-hoc form and overly car dominated street scene resulting in a poor pedestrian and social environment. It is also highlighted that the development has particularly poor connectivity and would not integrate well into the existing settlement
44. *Housing Delivery* – Advise that the proposed 20 affordable bungalows and 10% affordable housing provision of phase two would assist in meeting an identified need for affordable housing in particular older persons.
45. *Public Rights of Way* – Identify the presence of a number of Public Rights of Way in the vicinity of the site (Footpaths 125, 126 and 157 Crook). Officers advise that the proposed layout would need to respect the location of these footpaths.
46. *Ecology* – Offer no objections, advising that the proposed mitigation management plan would mitigate the impact of the development in this respect.
47. *Environmental Health and Consumer Protection (Air Quality)* – Identify that where there is an increase in or above 500 light duty vehicles or 100 heavy duty vehicles on the annual average daily traffic volume flow rate or where the alteration of traffic characteristics on the routes is changes an assessment on the impact of air quality may need to be undertaken. Officers advise that a dust management control plan should be secured by condition if approval is granted.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – Following review of a phase 1 contamination report advise a conditional approach in relation to land contamination, securing site investigations.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard future residents from noise associated with fixed plant on the care home and retail elements of the scheme. A condition requiring a construction method statement to protect neighbouring residents during the construction phase.

PUBLIC RESPONSES:

50. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents. 171 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- The development would be located away from the village core, with no ready access to shops and services.
- The site is not well served by public transport, the care home and retail units are not accessible by the village other than by car.
- There is a lack of housing demand in the village.
- Howden-le-Wear is not a sustainable location as identified in the County Durham Settlement Study and was not a focus for growth in the withdrawn County Durham Plan. The local plan provides for housing, this site is not needed. Both sites have been designed as amber in the SHLAA.
- The scale of the development is disproportionate to the settlement. The village does not have sufficient facilities to support the scale of development. The local school is over subscribed. Residents would have to travel to Crook for services, including health and leisure facilities.
- The development is speculative with no consultation with the local area, a number of 'sweeteners' are proposed that do not meet the needs of the community to secure housing.
- The village has sufficient retail units to serve it. It is likely that the buildings would stand empty without an end user identified. A new community centre is not needed.
- There would be an excess of retail capacity in the village affecting other operators.
- There is a lack of connection to the village. It could become separate part of the village.
- There has been a lack of community consultation.
- The scheme would drastically increase the population of the village. There is not sufficient capacity at the local school or GP surgeries to accommodate the development.
- Objections were raised on previous applications which were withdrawn without explanation. The submitted planning statement uses selective quotes from the NPPF in an attempt to justify its acceptability.
- Part of the application site is located outside of the applicant's ownership on third party land.

Landscape

- The sites are located outside of the settlement boundaries of the village and their development would have a significant visual impact.
- The loss of the green open space is highlighted, which contributes to the character and setting of the village. The scheme would represent urban sprawl.
- The development would result in the loss and put future pressure on trees including those protected by TPO's.

Residential Amenity

- Loss of residential amenity caused by overlooking traffic generation, light pollution.
- The lack of overlooking of the retail units and community centre would lead to potential antisocial behaviour.
- The development would result in the loss of a view from residential properties.
- There would be a significant disturbance during construction.

Highways

- The potential impact on well used public rights of way is highlighted.

- The development would generate additional traffic which cannot be accommodated on the existing roads.
- The proposed access is not suitable to serve the development due to its width and the need of service vehicles to access the care home and retail units.
- The development could not achieve adequate site visibility splays.
- The mini roundabout could not cope with the additional traffic demand, a bypass for the village should be considered,
- The junction of phase 1 is extremely close to a culvert.
- The cycle path does not go anywhere and is speculative
- Errors are identified in the submitted TA.

Other

- The development would result in the loss of wildlife habitat Impact on Bats.
- Increased risk of flooding, caused by the development on the adjacent stream.
- There is insufficient sewerage capacity.
- There are historic coal workings on the site which the development has not taken into account.
- The scheme exhibits little architectural merit.
- There are significant site level changes which have not been taken into account.

51. A 124 signature petition against the development has been submitted from local residents raising their opposition to the scheme.
52. Campaign to Protect Rural England (CPRE) – objects to the proposals. CPRE highlights the number of objections submitted by local residents. It is also highlighted that Policy H3 of the Local Plan only refers to small scale development within the limits of Howden-le-Wear and therefore the proposal is not consistent with it. It is also considered that the proposal is an incursion into the open countryside. Paragraph 17 of the NPPF sets out that decision makers recognise the intrinsic character and beauty of the countryside. These harmful effects would outweigh the provision of housing supply.

APPLICANTS STATEMENT:

53. We appreciate the concerns regarding the appearance of this development in the landscape, but through the way we have arranged the buildings, believe that views of the scheme will be very limited. It is designed in such a way as to tuck itself between established tree lines and hedgerows. By doing this the trees obscure the views of the proposed buildings, minimizing their impact in the landscape.
54. The new houses will provide larger homes that meet current energy performance standards, for families from Howden le Wear to expand into, as well as bringing new families into the village. Positioning them away from more prominent locations within the village and between the trees and hedgerows also means that views of the new buildings from within Howden le Wear are minimised, avoiding a change in the look and feel of the character of the existing village.
55. The new care home element and commercial units provide opportunities for new small businesses and provide employment for the immediate and local area. These new jobs could provide an economic stimulus for the village, promoting its economic sustainability, addressing the decline of recent years with the closure of businesses in the village.
56. This scheme will create several bungalows for the elderly, spread through the proposed scheme to integrate them within the new context and be close to the proposed facilities. These bungalows will broaden the range of options for elderly

people to live and stay within Howden le Wear when they start to need assistance in their daily lives.

57. The new community use building will provide a venue for local groups and take over from the existing community centre, which has now been advertised by the Asset Management Department on the 22nd of August 2016 as for sale. This building will be provided to the community and consultation with the local groups will be sought, should the scheme be granted planning approval, to finalise the content of this building to suit their requirements. We ask these reasons be considered and given due weight in your decision

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O2T0NGDGG300>

PLANNING CONSIDERATIONS AND ASSESSMENT

58. 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, planning obligations, landscape impact, layout and design, highway safety and access, ecology, residential amenity, flooding/drainage, ground conditions, heritage and archaeology and other issues.

The Principle of Development

The Development Plan

59. 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 Wear Valley District Local Plan (WVDLP) 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) that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF and the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.
60. The WVDLP was adopted in 1997 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

61. 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.

62. 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.
63. 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 WVDLP are out-of-date as outlined below.

Five Year Housing Land Supply

64. 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.
65. 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)
66. 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.
67. 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 potentially 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.

68. 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.

Assessment having regards to Development Plan Policies

69. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development. WVDLP Policy H17 requires that developments for care homes should be located within defined settlement limits. The development conflicts with these saved Policies. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF (Paragraph 17). It is however recognised that the NPPF promotes a more flexible approach to site selection.
70. Furthermore, given the age of the WVDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However the recent Court of Appeal judgments 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.
71. WVDLP Policy H3 is supported by Policy ENV1 (Protection of the Countryside) which relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with Policy ENV1. This Policy is considered partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved Policy.
72. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
73. In relation to the community hub and retail proposals, saved policies of the WVDLP are silent in respect of the principle of these elements of the scheme. Therefore the suitability of these uses needs to be assessed in the context of Paragraph 14 of the NPPF while recognising that the NPPF promotes the retention and development of local services and community facilities in villages.
74. Overall, WVDLP policies for the supply of housing and development within the countywide 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

75. The County Durham Settlement Study is an evidence based document which categorises Howden-le-Wear as a “Medium-sized Village” with a relatively minimal set of services, in this instance a primary school, a church, a public house and two convenience stores. There are limited employment opportunities within the Village other than those associated with the highlighted services/amenities and agricultural operations. Most employment opportunities are therefore likely to be located in Crook, Bishop Auckland, or further afield in Durham City. It is therefore considered that Howden le Wear could only accommodate small scale housing development, commensurate with its role within the County Durham Settlement Hierarchy in order to comply with sustainable development objectives in the NPPF. The erection of 81 dwellings and a 57 bed care home is considered to be disproportionate to the size of the Village and the level of services provided.
76. Whilst buses from Crook and Bishop Auckland serve Howden le Wear on a regular basis, the nearest bus stop would range from approximately 385m – 730m from the different housing elements of the application site due to the lack of connections into the existing settlement. Durham City is only accessible by bus by means of changing buses at Crook or Bishop Auckland. Consequently, it is considered that most employment opportunities and services would be accessed by car, a concern raised by the Highways Authority.
77. It is recognised that the development proposes to deliver retail units and a community centre which could help improve the sustainability of the village, while the care home could provide employment opportunities. However, these elements of the scheme are located off the main road through the Village and its perceived centre at a further walking distance than existing services and amenities for local residents.
78. Saved Policies GD1 and H24 of the WVDLP require that adequate links are provided within the site and to surrounding areas to facilitate access to services and amenities. Paragraph 61 of the NPPF also sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme does not integrate itself into the built environment of Howden le Wear due to the poor connectivity between existing developments and that proposed, particularly in relation to phase 1. The scheme relies on one vehicular access point and one pedestrian link, neither of which provides a direct link into the centre of the settlement.
79. The applicant proposes to deliver the retail element, care home and community hub along with the 20 affordable units and self-build units. No end user or provider has been identified for any of these elements while there appears to be no community appetite based on the responses received in the planning application. The cost of delivering these units, the highway infrastructure and planning related costs suggest that the delivery of these elements is unlikely. No viability appraisal has been submitted that the development as a whole could bear the cost of these elements. However, these elements of the scheme are located out of the Village centre with limited accessibility, likely reliance on the private motor car, which would also discourage future users. Whilst the delivery of these elements could be conditioned, this in itself may have the effect of preventing any part of the development coming forward due to concerns around the viability of the scheme as a whole. Accordingly

it is considered that that limited weight should be afforded to any benefits associated with these proposals in this respect.

80. Overall, it is considered that the location and layout of the development would result in increased vehicular trips to access services amenities. This is contrary to the core principles (Paragraph 17) of the NPPF to focus significant development in locations which are or can be made sustainable and Paragraph 61 which encourages the integration of new development into the existing environment. The scheme is also considered contrary to WVDLP Policies GD1 and H24 which are considered consistent with the NPPF in this respect.

Planning Obligations

81. The NPPF and NPPG requires that developments mitigate its impacts, in this respect Education officers highlight that a development of 61 dwellings (excluding the 20 affordable bungalows) would likely generate an additional 19 primary and 7 additional secondary pupils. It is advised that sufficient secondary school places exist but no primary places are available as the local primary school is full. In order to accommodate the additional pupils and mitigate the impacts of the development a contribution of £222,395 is sought. The applicant has not proposed a mechanism (in the form of a S106 legal agreement) secure this contribution. Questions remain regarding the viability of the development to mitigate its impact in this respect.
82. WVDLP Policy H15, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. It is indicated that the development would provide a total of 30% affordable housing across the development, consisting of 20 affordable bungalows in the first phase and 4 affordable housing units in the second phase. Although again no mechanism has been provided to secure this requirement, on the face of it the development would exceed the Policy requirement. However, as highlighted due to the substantial costs in delivering the speculative retail units and community building, along with other infrastructure requirements and planning obligations to mitigate the impact of the development from experience it is considered highly unlikely that the level of affordable housing across the development could be delivered and therefore this potential benefit should be afforded limited weight in the decision making process.
83. WVDLP Policy RL5 sets out that for every 1 hectare of land developed or redeveloped for residential purposes, at least 1,300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
84. This Policy is considered to be largely consistent with the NPPF which at Part 8 encourages the provision of adequate sporting and recreation functions. It is however recognised that the NPPF promotes an up to date needs assessment to identify needs and deficiencies in the area rather than setting a specific figure of provision. In this instance Open Space Needs Assessment highlights that there is a deficiency in Play, Outdoor sport and semi natural green space.
85. The site layout indicates that 7,500sqm of amenity land would be made available to satisfy the policy requirement and to meet part of the identified deficiency. It is however recognised there would be limited accessibility from phase 2 of the development and the wider village to this area and no formal facilities are proposed.

Landscape Impact

86. WVLP Policy GD1 seeks to ensure that development would not have a detrimental impact on the landscape quality of the area and structural landscaping is provided around the periphery of major sites. This Policy is considered compliant with the NPPF which recognising the intrinsic character and beauty of the countryside and seeking to protect valued landscapes. Full weight can therefore be given to this Policy in the decision making process in this respect. As highlighted above, WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight. WVLP Policy H3 is considered dual purpose, although it relates to housing supply and as above is considered out of date in this respect. The Policy justification sets out that it also seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the policy in this respect.
87. The sites are not within any locally or nationally designated landscape, or are classed as valued landscapes for the purposes of Paragraph of 109 of the NPPF. However as advised by Landscape officers they are nevertheless, considered mature attractive areas of countryside that significantly contribute to the setting of the Village and local landscape.
88. In relation to phase 1, the existing field boundary between the proposed the care home and the self-build plots is a winding beck that also forms the ancient parish boundary. A number of mature trees are present on site, including those located at the top of the bank dividing phase 1. The landscape in this area is clearly defined as rural and the presence of the beck, mature trees within the site, and pasture into the southern edge of the village contribute to create an attractive feature of the local landscape. Landscape officers advise that the development of Phase 1 particularly the southern extension, would have a significantly detrimental effect on the landscape and would result in an unconstrained incursion into the open countryside.
89. The mature trees on site would also be obscured by the proposed development; although they are not specifically protected they are considered valued specimens, containing at least 1 veteran tree and contribute significantly to the local landscape. As advised in the applicant's arboriculture survey these trees are in good health and expect to have significant longevity. Although at least one of these trees is classed as a veteran tree, this and other mature trees would not need to be removed to facilitate the development. Therefore Paragraph 118 (a restrictive policy) of the NPPF would not be applicable.
90. In relation to the Phase 2 development, when approaching the Village from the south from the south along Hargill Road there is a strong, rural boundary to the village at Garden House, with a stone wall, boundary trees and a small woodland. This largely screens the housing beyond, while allowing views into the field behind Garden House to the west.
91. Landscape officers advise that the roadside hedge on Hargill Road is overgrown and at the height of summer would help screen the Phase 2 site. However, it is advised that this would not be the case for approximately five months of the year and if the hedge is reduced to a normal hedgerow height, clear views into the site would be

available all year round. This would appear as a significant incursion into the open countryside and would result in a significantly detrimental effect on the landscape, particularly due to the extension beyond the line of the existing western extent of the village.

92. Further to this several of these trees are old enough to have been shown on the first edition of the Ordnance Survey map in approximately 1860. These are important contributors to the landscape character as well as features in their own right. Whilst efforts to preserve these trees have been made, the proposed scheme would result in conflict with the future of these trees in relation to maintenance issues in order to achieve the number of dwelling proposed.
93. WVDLP GD1, ENV1 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development. The proposed developments would result in an unjustified and unsustainable form of development beyond the well-established settlement edge contrary to local plan policies which are considered consistent with the NPPF in this respect.

Layout and Design

94. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These Policies are considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these Policies in this respect in the decision making process.
95. Furthermore Paragraph 58 of the NPPF sets out that decisions should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 64 is considered a policy which restricts development for the purposes of the 2nd limb test of Paragraph 14, and should be restricted on this basis unless other factors indicate otherwise.
96. It is recognised that a large proportion of the application is in outline form, with details regarding the layout and design remaining reserved. Nevertheless full details of the means of access, care home, retail units, community centre and 20 affordable bungalows have been provided. The development has been assessed against by the Council's design and review panel as encouraged by Paragraph 62 of the NPPF. When assessed against the Design Council's Building for Life 12 guide, the scheme overall scored exceptionally poorly identifying that there was no distinctive character within the layout and design of the development with an ad-hoc form and overly car dominated street scene resulting in a poor pedestrian and social environment. It was also highlighted that the development has particularly poor connectivity and would not integrate well into the existing settlement.

97. In relation to the specific design of the buildings, it is considered that these do not have a cohesive design, display little architectural merit and display limited references to the local character/distinctiveness. This is due to the varying roof pitches of the buildings, their squat appearance and poor relationships with public spaces and vantage points. The submitted Design and Access Statement does not expand upon the design rationale of the development or outline how the scheme would create a sense of place or responds to the local character or identity.
98. As highlighted above, the formation of retail and community centres outside of the perceived village heart would effectively create a second centre. These elements of the scheme do not benefit from natural surveillance and concerns are raised regarding the potential for antisocial behaviour particularly given their questionable deliverability.
99. WVDLP Policy BE23 sets out that the Council will encourage the provision of works of art as part of development. This Policy is considered partially compliant with the NPPF which requires development to be well designed and responds to local character, while recognising no specific mention of public art is made within the NPPF. Issues around viability however need to be taken into consideration. No reference to meet the requirements of this Policy has been made by the applicant in this instance.
100. Overall it is considered that the scheme would not deliver a high quality visually attractive development and would not contribute to the quality of the surrounding area. It is also considered that the scheme would not create a strong sense of place, would not respond to local character and, would not create a safe and accessible environment integrating itself to the existing settlement, contrary to WVDLP Policies GP1 and H24 and Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

101. WVLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These Policies are considered consistent with the NPPF in this respect which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. Full weight should therefore be afforded to these Local Plan policies in the decision making process.
102. Phase 1 of the proposed development would be served a single vehicular access onto Railway Street. This existing field access would be upgraded and widened to create a T junction to allow two way vehicular traffic and pedestrian access. In order to achieve satisfactory visibility additional land opposite the junction (in the Councils Ownership) would be required. These highway works would also require the rebuilding of a culvert which runs directly opposite the site entrance. The submitted Transport Assessment identifies that in order to allow a safe access it is proposed to widen the carriageway at the junction of top Railway Street where it adjoins Bridge Street to 7.5m. This would allow two vehicles to pass either side of parked cars, however in order to achieve these highway improvement works land in the Councils Ownership would be required to be utilised.
103. Phase 2 of the development would be served by a single vehicular access on to Hargill Road. An existing field access would be utilised and upgraded to 5.5m carriageway width. It is proposed that a 1.8m wide pedestrian footway would extend from the site entrance to Vicarage Road, while footpath other widening and

resurfacing works would be undertaken down Hargill Road. Visibility spays of 4.5m x 215 to the south west and 2.4x110m to the north east are proposed.

104. In considering the proposed access arrangements and after reviewing the submitted Transport Assessments the Highway Authority advises that subject to securing the detailed design of the proposed highway improvement works, proposed mitigation and visibility splays the scheme as a whole is acceptable in highway safety terms and the surrounding highway network could accommodate the additional traffic flows generated. The scheme would therefore comply with WVLP Policies GD1, H24 and T1 in this respect and Paragraph 32 of the NPPF.

Residential Amenity

105. WVLP Policies GD1 and H24 requires that the design and layout of development to ensure that appropriate relationships remain with existing dwellings and would not conflict or disturb adjoining uses. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
106. The site layout for the housing element of the proposal demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the Local Plan. Given these separation distances it is considered that there would not be a significant reduction in existing residents' amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given in a reserved matters application.
107. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. It is also recommended to attach a condition to require details of any external plant associated with the care home and retail units to be submitted and approved to prevent a loss of amenity arising.
108. The development of both sites would increase the comings and goings of vehicles and to a lesser degree pedestrians which would have a limited impact on residential amenity. However, this is not considered to be at a significant level that would warrant refusal of the application.
109. The development would fall below the thresholds requiring a requirement an assessment on the impact of air quality.
110. Overall the scheme would comply with WVLP Policies GD1 and H24 and paragraph 17 and Part 8 the NPPF and would not lead to a significant reduction in residential amenity.

Ecology

111. The closest sites of nature conservation are Witton-le-Wear SSSI and the Low Barns Durham Wildlife Trust Nature Reserve located 1.5km to the south of the sites. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests.

112. 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.
113. The ecology surveys submitted with the application concludes that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, or the development being a risk to the protected species is low or negligible. Nevertheless, a biodiversity enhancement scheme is proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes tree and shrub planting and the planting of native wildflower grasses on the undeveloped portions of the phase 1 site.
114. Ecology officers consider the submitted report sound and offer no objections to the scheme given the lack of impact on biodiversity interests, along with the planting proposed. Overall the development is considered to conform with Part 11 of the NPPF in this respect subject to a condition developing the lighting strategy for the site.

Flooding and Drainage

115. National advice within the NPPF (Paragraph 100) 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 (FRA).
116. The application is accompanied by a FRA which highlights that the majority of the application site is within flood zone 1 with a low flood risk probability. Elements of Phase 1 which boarder Howden Beck are located within Flood Zones 2 and 3. However, there is no built development in these areas with the exception of the access. The FRA identifies that there are areas of high risk of surface water flooding on the site in the proximity of 4 bungalows and mitigation would be require to deal with this. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's). This includes the implementation of swales and storage capacity within the site, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged to a water course. Subject to securing the detail of this approach, Drainage and Costal Protection officers offer no objections to the development. Northumbrian Water also advises a conditional approach to managing surface water discharge.
117. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water raise no objections subject to detailing the design of the layout. Northumbrian Water does however identify that there is a significant sewerage main running across the land, interfering with the position of the which would likely need to be diverted to accommodate the development

118. Subject to conditions to resolve the final surface and foul water disposal proposals are recommended no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

119. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advises underground coal mining has taken place underneath the site at shallow depth, along with potential unrecorded mine workings. However, subject to securing further instructive site investigations and appropriate mitigation the Coal Authority raises no objection to the development.
120. In relation to land contamination the applicant has submitted a phase 1 desk top study report which identifies that there is a low risk of contaminants being present on site but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations. This would satisfy the requirements of paragraph 120 of the NPPF.

Heritage and Archaeology

121. 600m to the north of the application site is the Grade II Listed buildings of Fir Tree Grange and 2km to the south is Witton-le-Wear Conservation Area. Design and Conservation officers advise that there are no heritage related issues associated with the development, due to the limited inter visibility between the nearest listed buildings and conservation areas.
122. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect no archaeological assessment has been made by the applicant. However, after reviewing historic maps of the area and given the outline nature of large elements of the development Archaeology officers advise that there is a limited chance of significant archaeological remains being present on site that would preclude development. Although an undesirable approach further detailed survey work could be undertaken before development commences and appropriate mitigation secured. In this instance it is considered that the lack of an archaeological assessment should not on its own be a reason to resist the development.
123. Overall it is considered that scheme would not impact on any heritage assets subject to imposing conditions on any planning approval to require further on site investigations and mitigations where appropriate. The scheme would therefore comply with Part 12 of the NPPF in this respect.

Other Issues

124. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 7.6ha of agricultural land. A site specific investigation into the land classification does not accompany the application.

125. Natural England's land classification maps for the North-East region show that the phase 1 consists of Grade 3b land while no classification is made of Phase II. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
126. In this instance it is considered that the amount of agricultural land (2.4 ha on Phase 2) that would be lost is less than significant even in the event it was found to be best and most versatile. Furthermore, it is considered that the loss of land would not undermine the ability of remaining agricultural land surrounding the site to be effectively farmed. Therefore this should not be considered an adverse impact in the event that the land is best and most versatile.

Planning Balance

127. The acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, which states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. The proposed development is considered contrary to Paragraph 64 of the NPPF, which is a Policy that indicates that development should be restricted and so displaces the presumption in favour. Therefore there is no requirement for the adverse impacts to significantly and demonstrably outweigh the benefits, however, for clarity the balance test considers the approach where that test would apply.

Benefits

128. 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.
129. Recent Planning Case Law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply. It also 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. 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.
130. 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 and potential jobs associated with the care home and retail units.
131. The scheme to a degree could help improve the sustainability of the village through the delivery of the retail units and community centre, while recognising the poor connectivity of these elements. The scheme could boost the provision of affordable

housing in the area particularly for older persons (30% proposed in excess of the 10% policy requirement). However no end user or provider has been identified for any of these elements while there appears to be no community appetite for a new community centre and/or to take ownership of it. The cost of delivering these elements, the highway infrastructure and mitigation, planning related costs, securing 3rd party land and other onsite abnormalities suggest that the delivery of these elements is unlikely. No viability appraisal has been submitted to demonstrate that the development as a whole could bear the cost of these elements, accordingly it is considered that that limited weight should be afforded to these benefits

Impacts

132. The scheme is considered to represent poor design that fails to take the opportunities for available for improving the character and quality of an area and the way it functions, due to its design, layout and poor connectivity to the surrounding area contrary to Paragraph 64 of the NPPF.
133. The development would result in significant adverse landscape harm to an area of attractive countryside which forms part of the character of the local area and contributes to the setting of the village. The development would represent an unconstrained incursion into the open countryside.
134. The location and layout of the development would result in increased vehicular trip to access, services amenities contrary to one of the core principles of the NPPF to focus significant development in locations which are or can be made sustainable.
135. Loss of agricultural land would arise, however given the site of Phase 2 (2.4ha) this should not be considered an adverse impact warranting refusal even in the event that the land is best and most versatile.

CONCLUSION

136. The proposed development is considered contrary to Paragraph 64 of the NPPF, which is a Policy that indicates that development should be restricted and displaces the presumption in favour of sustainable development.
137. Notwithstanding this adverse impacts have been identified, most notably that the development represents poor design that fails to take the opportunities for available for improving the character and quality of an area and the way it functions, significant adverse landscape harm, and poor integration into the surrounding built environment.
138. 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 given the significant concerns regarding the viability and deliverability of the scheme and the level of housing supply the council can demonstrate. In this instance they are outweighed by the particular adverse impacts identified, and specifically where NPPF policies indicate development should be restricted, and therefore the proposed scheme cannot be considered to be sustainable development. In any event, the adverse impacts of the development would together, be such that they would significantly and demonstrably outweigh the benefits if the presumption in favour of sustainable development balance test was applied.
139. 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 reason:

1. The Local Planning Authority considers that the adverse impacts of the development in terms of the proposal's poor design that fails to take opportunities for improving the character and quality of the area, the significant adverse landscape harm and the site's location in an area that would lead to reliance on private car movements are such that they would outweigh the benefits in the context of NPPF Paragraph 64 that indicates development should be restricted and that where not restricted, such adverse impacts would significantly and demonstrably outweigh the benefits. The proposals are therefore considered contrary to Policies GDP1, ENV1, and H3 of the Wear Valley District Local Plan.

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 Notes

Wear Valley District Local Plan

The County Durham Plan (Submission Draft)

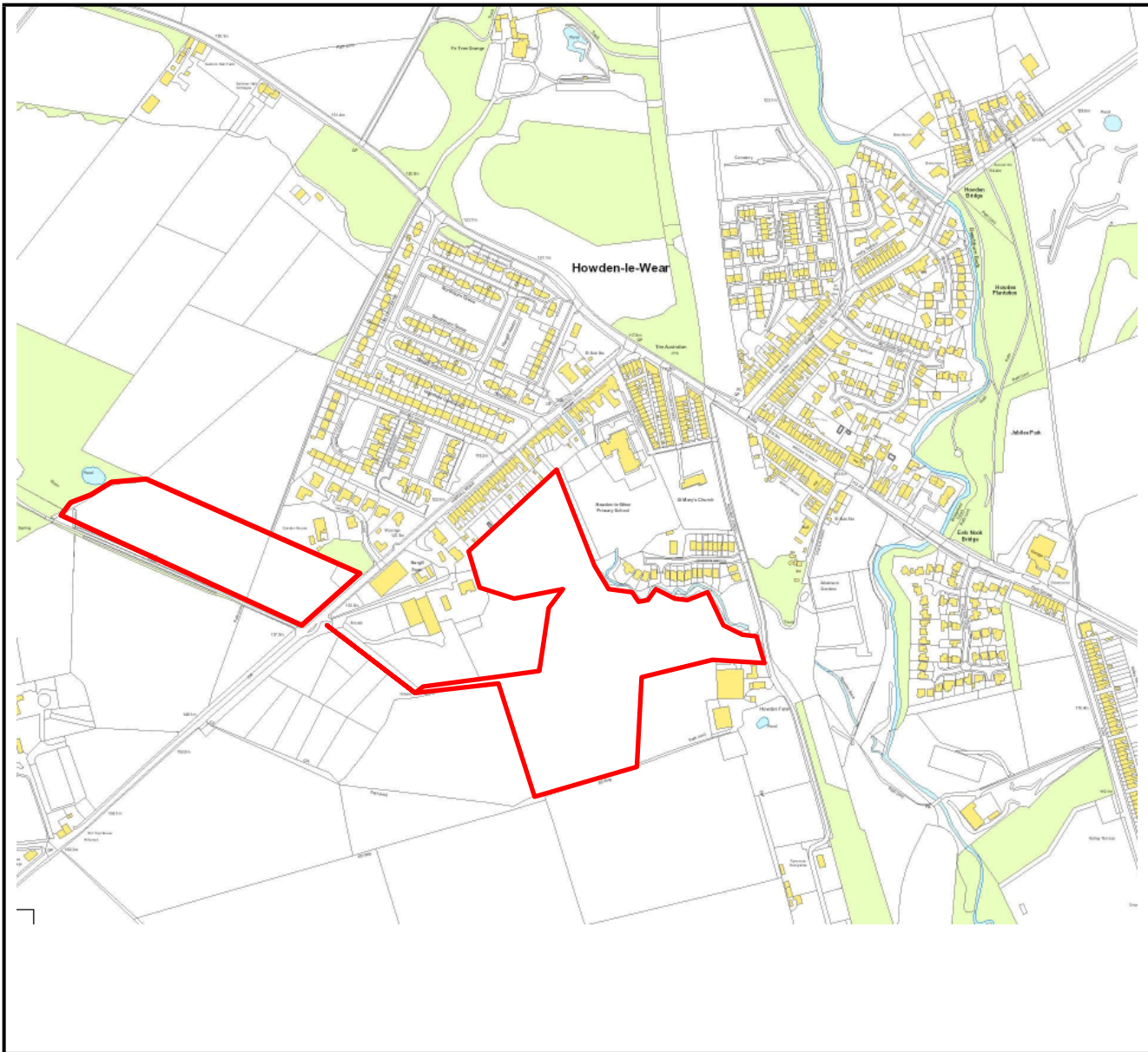
The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

The County Durham Settlement Study (2012)

Statutory, internal and public consultation responses.





Planning Services

DM/16/00526/FPA

Hybrid application for the erection of a 57 bed care home, community hub/retail units, 20 affordable bungalows and outline permission for 61 residential units at Land Near To Hargill Road And Railway Street, Howden-Le-Wear

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Comments

Date October 2016

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