



Area Planning Committee (South and West)

Date Thursday 18 October 2018
Time 2.00 pm
Venue Council Chamber, Spennymoor - Council Offices,
Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 20 September 2018 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/17/03751/OUT - Land to The West of Bridgewater Arms, Winston (Pages 9 - 22)
Outline 16 no. dwellings all matters reserved
 - b) DM/17/04028/OUT - Land At Holme Farm, Toft Hill, Bishop Auckland (Pages 23 - 46)
Outline application for residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved. (Revised 9th August 2018).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
10 October 2018

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)

Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, J Maitland, M McGaun, G Richardson, J Shuttleworth,
L Taylor, K Thompson, F Tinsley and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 20 September 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, J Maitland, G Richardson, F Tinsley, S Zair and H Smith

Also Present:

Councillor H Smith

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow, K Liddell, M McGaun, J Shuttleworth and L Taylor.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

Councillor Richardson declared an interest in item no. 5a) Former Garden of 23 High Green, Gainford as his reasons for referring the item to the planning committee may be construed as an element of pre-determination. He confirmed that he would leave the room for the debate and determination.

4 Minutes

The minutes of the meeting held on 19 July 2018 were agreed as a correct record and signed by the Chairman subject to the following amendment to the resolution of minute no. 6;

‘That the application be **REFUSED** for the reasons outlined in the report’.

5 Applications to be determined

a DM/18/02246/FPA - Former Garden Of 23 High Green, Gainford

The Committee considered a report of the Senior Planning Officer with regards to the (resubmitted) application for the erection of a detached dwelling at the former garden of 23 High Green, Gainford (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site. A site visit had taken place earlier in the day.

Parish Councillor S Platten, spoke on behalf of Gainford and Langton Parish Council and supported development on the site. He referred to the comments from Highways regarding the insufficient visibility splays and confirmed that there were already 12 similar access routes to the east and west of the site which should be given due consideration when determining the suitability of the access. A neighbourhood plan was in the late stages of development and although not yet formally adopted, it was particularly supportive of the development of brownfield sites. He referred to the loss of commercial properties in recent years and considered the viability and growth of the village was of upmost importance and therefore the development should be supported.

Councillor Richardson confirmed that he agreed with the statement made by Councillor Platten and had nothing further to add. He left the Council Chamber for the rest of the debate and determination of the application.

H Deakin, a resident from one of the neighbouring properties, spoke on behalf of a number of local residents and in objection to the proposed dwelling. She confirmed that the site was not brownfield land and regardless of the planning history, this was a new application. A property with five bedrooms would be oversized for this plot and overpowering. It was too close to the boundary walls and would overlook and dominate the existing properties. With regards to car parking she confirmed that there was not enough room to turn a vehicle and this would result in vehicles having to reverse onto the highway. Neighbours were keen to support development in the area and would not object to a proposal if it was appropriate, however a property of this design and scale would have an adverse effect on the area. The site was currently an eyesore, but this could be mitigated by the reinstallation of the gates. With regards to road safety, the A67 had a 30mph speed limit but there were no speed reduction schemes in place and the road was used by traffic as an entrance to the A66. The access was directly opposite a fish and chip shop and the safety of the school crossing patrol would be compromised by the proposed access route. Existing residents preferred not to use their current vehicle access and tended to park at the front of the properties. Ms Deakin referenced previous refusal for the development of the and previous objection from Highways Officers and suggested that if the application was approved, the potential for an accident would increase. Finally, residents supported the officers recommendation and requested the Committee to refuse the application.

The Chairman asked Officers to respond to the issues raised with regards to the separation distance between the proposed dwelling and Hazel Grove, and the Highways objection as outlined in the report.

The Senior Planning Officer confirmed that there were a range of windows to the southern elevation of the proposed dwelling which at its closest point would be 4.5mtrs from the boundary with Hazel Grove. The proposal would harm the living conditions of adjacent residents at Hazel Grove due to loss of privacy and an oppressive impact. The issues with regards to the design of the house had been raised with the applicant in 2017 following delegated refusal and despite the advice given by planning officers at the time, a resolution had not been reached.

The Principal Development Engineer confirmed that the highway adjacent to the site had a flow of approximately 6000 vehicles per day, with the average speed being slightly above 30 mph. Despite the planning history and the existing vehicular access to nearby properties, the application had to be determined on its own merits and on standards relating to the current road network and not what may have been acceptable years before. He referred to the comments made with regards to the existing access routes and confirmed that ultimately road safety could not be compromised. Road safety was the basis of the objection and in this case, was a strong enough reason to warrant refusal.

Councillor Clare confirmed that he agreed with the points raised by Councillor Platten with regards to the sustainability and growth of rural villages, however he could not agree with the suggestion that the Committee should disregard the road safety implications due to the existing vehicle access routes. Highways had stated that visibility splays were inadequate and having attended the site visit earlier in the day, Councillor Clare confirmed that the road was a dangerous place to park a vehicle and the footpath was not wide enough for a vehicle to exit the site safely. All of the previous applications had made reference to highway safety concerns and this was a valid reason for refusal. Councillor Clare therefore moved the Officers recommendation to refuse for the reasons outlined in the report.

In response to a question from Councillor Zair, the Senior Planning Officer confirmed that the site was greenfield. Councillor Zair therefore seconded the recommendation to refuse.

Resolved:

That the application be **REFUSED** for the reasons outlined in the report.

6 DM/18/01047/FPA - Land To The North Of Moor View Cottage, Ovington

Councillor Richardson returned to participate in the remainder of the meeting.

The Committee considered a report of the Senior Planning Officer with regards to the (resubmitted) application for the erection of 1 no. dwelling and garage at land to the north of Moor View Cottage, Ovington (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site. A site visit had taken place earlier in the day.

Parish Councillor J Parkes, spoke on behalf of Ovington Parish Council and in objection to the development. It was unclear who had ownership of the verged area adjacent to the site but it was maintained by the Parish Council. Ovington was a small hamlet which had not been subjected to development, it had been limited mostly to conversions or extensions. The proposed dwelling would be oddly prominent and disrupt the harmony of the surrounding area. The access had been designed to a standard which could leave the field vulnerable to future development and she reminded the Committee of a previous failed application for five dwellings. Councillor Parkes expressed concern that the developer had, in her opinion, prevented a potential fire escape route from the Village Hall by padlocking the field

gate. There was no footpath to the lane which was frequented by elderly residents and children, and she suggested an alternative construction access and a construction plan, which would minimise disruption and prohibit vehicles from using the verges. She also made reference to the garage encroaching beyond the settlement boundary.

The Agent, Dr A Lang, spoke on behalf of the Applicant and addressed the Committee in support of the application. In responding to the issues raised by the objector, he confirmed that the verged access to the site was from a public highway and the access was acceptable to modern standards. He suggested that the layout of the lane would lead vehicles to naturally slow their speed and visibility splays were sufficient. There was nothing untoward about the position of the house or the design and the surrounding area had a mixture of properties with no theme and there were no privacy issues. He reminded the Committee that this was not a conservation area and there were no constraints with regards to the design or materials. With regards to the construction period, Dr Lang confirmed that a construction management plan would assist the development of larger sites, but it was debatable whether this application would meet the tests required for implementation. There were no objections with regards to trees, landscape or ecology and the application was considered acceptable to the Senior Planning Officer. The restrictions the objector had raised with regards to parking on the road and accessing the lane could not be taken into consideration, as this was a public highway.

The Solicitor, Planning and Development, confirmed that the land ownership was not a consideration when determining planning applications and a construction management plan should only be conditioned should Members feel like they would refuse the application. She confirmed that it was unreasonable to suggest that an alternative access be used and therefore the Committee should assess the application on the basis of the application submitted.

Councillor Tinsley confirmed that the access to the property was from a public highway, the design and scale was in accordance with the surrounding area and no objections had been lodged by internal consultees. He noted that the highway was a small lane, but this was an application for a modest development of only one dwelling. Councillor Tinsley confirmed that future applications were not something for the Committee to consider and an alternative access was an unreasonable request requiring access over third party land. A construction management plan was unlikely to meet the tests required. He considered there to be no reason to refuse the application and moved the recommendation to approve as per the reasons outlined in the report.

Councillor Richardson confirmed that as a farmer, who had also attended site visit, he had a different opinion. Although this was not a large site, it was greenfield land and development would result in the loss of agricultural land. He considered the property Moor View would be overlooked and the proposed dwelling would be overpowering. He also considered the issues which may arise with regards to accessing the remaining part of the field when the property was build and could not support the Officers recommendation.

Councillor Brown referred to the narrow width of the lane and hoped that should the application be granted, the applicant would ensure contractors were considerate towards existing residents.

Councillor Clare confirmed that he also attended the site visit and having already looked at the street view online, he went with the impression that the property proposed could be overbearing. It became apparent when walking towards the site that this property would not be out of keeping with existing properties. It was also important to note that the Highways Officers were considering the impact of one property and any further development would have to be referred back as a completely new application. Councillor Clare could not see any safety issues with regards to the access - it was on a right angle bend and any vehicle exiting the site had a clear view to both the left and right. The proposed dwelling was not out of scale, it would not be overbearing, and therefore he seconded the recommendation to approve the application for the reasons outlined in the report.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report.

7 DM/18/00928/FPA - Oakwell Lodge, Hamsterley, Bishop Auckland

The Committee considered a report of the Senior Planning Officer with regards to the vehicular access and entrance gates (part retrospective) with regards to Oakwell Lodge, Hamsterley (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

The Solicitor – Planning and Development, confirmed that there was a separate statutory regime which dealt with Village Greens, however she added that it was not uncommon for Village Greens to include access routes and driveways.

In response to a query from Councillor Brown, the Senior Planning Officer confirmed that the applicant intended to reinstate the dry stone wall, with the addition of pillars and an oak entrance gate.

Councillor Clare confirmed that the issue with the Village Green was out of the Committee's remit and move the recommendation to approve for the reasons outlined in the report.

Councillor Richardson confirmed that this was an area in which the Parish Council were fiercely protective of the Village Green. He referred to the modern day reliance on motor vehicles and allowing people to access their own driveways via Village Green would prevent a build up of vehicles parked on the side of the road and he therefore supported the application.

In response to a question from Councillor Tinsley the Senior Planning Officer confirmed that there had been a dispute over land ownership, but there was no issue regarding the validity of certificates as all relevant parties who needed to be made aware of the application had been made aware.

Councillor Atkinson seconded the recommendation to approve.

Resolved:

That the application be **APPROVED** subject to the condition outlined in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/03751/OUT
FULL APPLICATION DESCRIPTION:	Outline 16 no. dwellings all matters reserved
NAME OF APPLICANT:	Messrs Hendriksen and Forrest
ADDRESS:	Land to The West of Bridgewater Arms Winston DL2 3RN
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a field of grazing land, which sits closely to the north of Winston and immediately to the south of the A67. It falls within the Area of High Landscape Value (AHLV) designation of the Teesdale Local Plan. The grade II listed Bridgewater Arms sits immediately to the east of the site, while a burn runs along the southern boundary of the site, beyond which sits a residential property, Burncroft.
2. The application is in outline with all matters reserved for the erection of 16no. dwellings. As such, the submitted plans are being treated as indicative.
3. The application is brought to the planning committee as it represents major development.

PLANNING HISTORY

4. There is no planning history relating to the development site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient

amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
8. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
9. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
10. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
11. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.

14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection Of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV3: Development Within Or Adjacent To an Area Of High Landscape Value:* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
17. *Policy ENV8: Safeguarding Plant and Animal Species Protected by Law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
18. *Policy ENV10: Development Affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.
19. *Policy ENV16: Development Affecting Flood Risk:* 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. Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Applications will be considered against the criteria in the sequential test set out in paragraph 30 and table 1 of ppg25. 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 as outlined in ppg25, appendix f. Developers will be required to fully fund the provision and future maintenance of flood mitigation and defence measures required as a result of their proposals, including any consequent works to prevent additional flood risk to other land/properties. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
20. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.
21. *Policy BENV11: Archaeological Interest Sites.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field

evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect 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.

22. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.

23. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

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>

RELEVANT EMERGING POLICY:

The County Durham Plan -

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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Winston Parish Council:* Object to the application. There is concern in relation to flood risk, ownership of the access to the field, highways concerns, concern relating to capacity of infrastructure and impact on the environment, concern about the level of development and concern in relation to the level of community consultation identified by the applicant. Concern is also expressed that the houses would be out of keeping with the character of the area, would result in overdevelopment of the site, would harm local landscape and historic features, would be detrimental to wildlife and would cause disturbance and conflict to adjoining properties.

25. *Highway Authority:* No objections to the principle of the development but some concerns in relation to the accuracy of the proposed access plan which would require correction. As well as inconstant measurements of footpath width, the width of the proposed widened carriageway is shown reduced down from 5.0m at the 6m radius tangent points to 4.4m at a point 12m within the site. However, the adoptable carriageway width must be no less than 4.8m at any point. Irrespective of this being an outline application the relationship of the required (4.8m wide) internal access road

to the proposed new access arrangements external to the site, must be shown in a revised plan. It would be beneficial to have the access proposals depicted upon the more detailed (1:200) topographical layer. A 4.0m radius should also be shown at the corner of the new access road and the existing unclassified public highway to the south.

26. *Northumbrian Water*: No objection. Foul flows to discharge to the combined sewer at manhole 1801 and surface water to discharge to the existing watercourse.

INTERNAL CONSULTEE RESPONSES:

27. *Design and Conservation*: Object to the application. No appropriate appraisal has been undertaken of the contribution the proposed development site makes to the setting of the adjacent grade II listed Bridgewater Arms and the impact that development within the setting would have on the significance of the listed building. Development of the site would represent an uncontained and irrational extension to the village at odds with its strong linear form.

28. *Landscape*: Object to Development. The site is within an Area of High Landscape Value and the strategy for the area is conserve and restore. To the north is a hedge that contains a significant proportion of ash that has been allowed to grow out. There are also a few young ash just north of the hedge, but these have not been distinguished in the Arboricultural Impact Assessment. At the moment this provides good screening in summer, but relatively little screening for six months of the year. Although the land to the north of the village has been separated from the farmland to the north by the by-pass, this land remains almost entirely undeveloped and retains historic field patterns and boundaries. This settlement pattern would be lost with this proposal, which would have a significantly negative effect on the landscape in conflict with landscape related policies. The mature horse chestnut near the entrance, is now proposed for removal. This would be damaging to the setting of the Conservation Area and the listed Bridgewater Arms.

29. *Landscape (Trees)*: There are some individual trees within the northern hedgerow which should be identified and retained. The Horse Chestnut tree to the east of the site makes a significant contribution to visual amenity and its removal cannot be supported from an arboricultural perspective.

30. *Drainage and Coastal Protection*: More details are required in order to fully assess the impact of the development including written drainage strategy, drainage layout including SuDS features and hydraulic calculations to simulate flood events.

31. *Ecology*: No impact on protected species is identified, however the proposals would result in a loss of biodiversity on the application site, which could be offset by the provision of limited habitat creation on the site, and the provision of a commuted sum payment to increase habitat provision off site, which would have to be arranged through a S106 agreement.

32. *Noise Action Team*: There would be little to no impact associated with noise from the public house. Road noise from the A67 would be an issue however. Increased glazing and acoustic ventilation to affected facades as well as an acoustic fence along the northern boundary of the site should mean that there would be no unacceptable impact on residential amenity. A condition would however be required in relation to the requirement for a specific scheme.

33. *Archaeology*: Following the carrying out of trial trenching on the site no further archaeological work is needed.
34. *Contaminated Land*: Contaminated land condition required.
35. *DCC Education*: There are sufficient primary and secondary school places available to accommodate pupils that are likely to be generated by the development.
36. *Affordable Housing*: Affordable housing should be provided as 20% of the development in this area. This should be delivered as a mix of tenure with 80% for affordable rent and 20% for affordable home ownership.
37. *Spatial Policy*: The site, if developed would not relate well to the existing pattern and form of the village.

The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure.

The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly, and is a material change from the position outlined in the response from March when a 5-year supply could not be demonstrated.

PUBLIC RESPONSES:

38. The application has been publicised by way of site notice, press notice and neighbour notification letters. 27 letters of objection have been received including objections from CPRE and the Winston Playing fields committee. A petition has also been submitted which has been signed by most of the village objecting to the proposed removal of a horse chestnut tree from land to the east of the site and calling for its protection by tree preservation order.
39. Full details of concern can be found on the Council's web site, but the main common points of objection are summarised below:

Highways

- Concern over impact of additional traffic in terms of road safety

Landscape and Ecology

- Concern that development will result in increased flooding
- Over development of site
- Overshadowing/overlooking
- Objection to tree and hedge removal

- Detrimental impact to AHLV and Bridgewater Arms
- Concern over loss of ecology habitat

Other Issues

- Concern over land ownership
- Lack of affordable housing provision

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

40. It has been evidenced that the proposals put forward are one way in which the LPA can deliver much needed new housing in a sustainable manner. The proposal takes full account of local policies and Central Government planning guidance. The LPA is therefore invited to support the current proposal for housing.

PLANNING CONSIDERATIONS AND ASSESSMENT

41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the impact on the character and appearance of the area and designated heritage assets.

Policy Context

42. Given the age of the Teesdale Local Plan its housing policies cannot be considered as up to date and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

43. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means either:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework(NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework(NPPF) taken as a whole.

Housing Land Supply

44. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
45. Although the supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

Location

46. Winston is classed as a hamlet in the County Settlement Study on account of its very limited services and facilities. However, it is one of a group of small villages along the A67 between Barnard Castle and Darlington. Whilst the site is not strictly within the village, it is closely related to it. There is a regular bus service to the other villages and main centres. The NPPF recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. That would be the case here, and as such, there is no significant conflict with the housing location aims of the NPPF.

Impact on the character and appearance of the area

47. The application site is grazing land of approximately 0.8 hectares. It is bordered by trees and hedging to its south west boundary while the northern boundary to the A67 contains a dense mix of ash and hawthorn. Site levels slope gently downwards from north west to south east.
48. The site is identified in the Teesdale Local Plan as being within an area of high landscape value (AHLV), defined in the County Durham Landscape Character Appraisal as the Dales fringe landscape character area. The landscape strategy for this area is to conserve the character of the landscape and restore it where it has been weakened. This includes aims to ensure that new development is in keeping with the character of its surroundings. Saved Policies GD1 and ENV3 of the Teesdale Local Plan require among other things, that new development does not unreasonably harm the rural landscape of the area and qualities of the AHLV. Policy ENV10 does not permit development which causes unreasonable harm to or loss of any trees, tree belts or hedgerows which contribute significantly to any of the following: Landscape diversity; the setting of nearby existing or proposed buildings; a protected species habitat or visual amenity.
49. Winston is an attractive small rural village with a predominantly linear character. The surrounding countryside provides the backdrop to the village to the south and is an important element of its rural character and identity. So too are the small fields immediately to the north which lie between the village and the A67 and which the application site is a part of.
50. The A67 does provide containment to the north and as such the development would not be viewed as an intrusion into open countryside. It would however, by reason of its size and orientation, represent a comparatively large addition to the village envelope in a manner that does not naturally follow its existing linear pattern. The

development would extend notably into the area that contributes to the rural character and setting of the village and is designated as AHLV.

51. That being said, views of the site are currently quite limited. It is effectively screened from the A67 by the dense roadside planting. Within the village it is only seen in a 50m gap between the Bridgewater Arms and the residential property Burncroft. There are 2 mature trees either side of the gap, which when in full leaf, further reduce views of the site.
52. However, this would not necessarily remain the case if the site were developed in the scale and manner proposed. Firstly, there are a large number of Ash trees within the planting along the A67, which are at risk from ash die back, and that would make a significant difference to the density of that planting and the screening it offers. But even without such an effect, large properties would be located very close to the northern boundary of the site, and at two storey height, are likely to be visible behind/above the planting. Furthermore, it is noted that there is a requirement for a 2.3m high solid acoustic barrier to be installed along the northern boundary of the site to limit the impact of road noise from the A67. That in itself will require some thinning of the vegetation, thereby reducing the amount of screening, and would also be quite a dominant feature of over 100m length along this stretch of the A67. In an area with such a strong rural character it is considered that this would have a damaging urbanising impact.
53. During the course of the application it has also been identified that the mature Horse Chestnut tree immediately to the east of the site would need to be removed in order to accommodate a vehicular access to the required adoptable standard. This tree stands prominently at the site entrance and makes a strong positive contribution to the amenity of the area and setting of the Bridgewater Arms, as identified by both the Landscape and Design/Conservation Sections. Its removal would result in some harm to these interests, but would also make any development within the site more visible. This in turn would have further implications on the setting of the Bridgewater Arms, as is discussed later in this report.
54. Having regard to all of the above, it is considered that whilst the development proposal would not intrude into open countryside, it would still intrude notably into an area which is integral to the landscape setting of Winston and erode its rural character.
55. It is concluded therefore that the proposed development, through the combination of the factors identified above, would have a detrimental impact on the character and appearance of the area and as such, there is conflict with the landscape strategy for the area and policies ENV3, ENV10 and GD1 of the Teesdale Local Plan.
56. These policies are consistent with the aims of the NPPF (paragraphs 127, 170 & 172) in respect of ensuring development is well designed, contributes positively to and protects the intrinsic character and beauty of the countryside and valued landscapes and can therefore be attributed considerable weight.

Impact on designated heritage assets

57. Immediately to the east of the site is The Bridgewater Arms public house, the original western section of which is Grade II listed. A little further to the east is the early Medieval Grade I Listed Church of St Andrew. The setting of the Church of St Andrew is extensive and the village setting contributes to its significance, but the application site is sufficiently distant and contained to play a limited part in this setting. However, the site does fall firmly within the setting of The Bridgewater Arms and the indicative

details demonstrate the possibility of development taking place in close proximity to this listed building.

58. As such, the local planning authority must have particular regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving its setting.
59. Furthermore, saved Policy BENV3 of the Teesdale Local Plan relates to development in relation to listed buildings, including their setting and states that development which would adversely affect the character of a listed building or its setting will not be permitted.
60. The submitted heritage statement is generally limited to brief commentary and the repetition of listing descriptions. It does acknowledge that the immediate setting of the Bridgewater Arms could be affected by the proposals, but makes limited appraisal of the contribution the proposed development site makes to the setting of the adjacent listed building and the impact that development within the setting would have on its significance.
61. The Bridgewater Arms was originally a school. The age, architectural features of the original building and its rural setting, which has always retained a degree of separation from the main body of Winston enabling an appreciation the building to be experienced within its rural context, are key features of its significance. There have been some unfortunate modern additions to the east of the building, but these do not completely diminish the significance of the original building and the character of its open setting to the west. The application site and boundary planting provide a pleasant, green and open backdrop to the building when viewed from the front car park of the Bridgewater Arms and enhance the setting of the building. The Horse Chestnut tree on open land to the south of the building is also a strong landscape feature that enhances the setting of the building.
62. In having special regard to the desirability of preserving the listed buildings or their settings, it is considered that the development would harm that part of The Bridgewater Arm's significance it derives from its setting through the fundamental change from having an open pastoral backdrop to one which is a largely built up and enclosing one. The historical visual detachment from the main settlement would be removed and a key feature of the significance of the building and its setting would be lost. The harm would be compounded by the loss of the Horse Chestnut tree to accommodate the access and the visually dominant form of development shown in the indicative details, which would sit close and high in relation to the much smaller listed building. As such, the proposal conflicts with saved policy BENV3 of the Teesdale Local Plan.
63. This policy is consistent with the aims of the NPPF (paragraphs 184, 190 and 193) in respect of the conservation of heritage assets and can therefore be attributed considerable weight.

Other Issues

64. Objectors have expressed concerns over highway safety, however, the advice from the Highway Authority is that subject to some minor alterations, safe access could be achieved. This could be secured at the detailed application stage, particularly as access is a reserved matter, although the applicant would have to demonstrate appropriate control over any land to facilitate the works. Furthermore, the highways

network is considered capable of hosting the level of vehicular movements that the development is likely to generate. As such, there are no grounds for a highway safety objection at this stage.

65. Concerns have also been expressed over exacerbation of flooding issues at the southern edge of the site where a burn runs along the site boundary. Although some drainage details have been put forward with the application including a cellular storage system, further information would be required in order to fully assess the impact of the development including written drainage strategy, drainage layout including SuDS features and hydraulic calculations. Nevertheless, this should not be an insurmountable problem and the necessary details could be secured by conditions and through the detailed application.
66. Archaeological investigations did not identify any significant archaeological deposits and therefore no further archaeological work has been requested by the Councils Archaeology section.
67. The Ecology Section is satisfied with the conclusions of the ecology survey which identifies that there should be no significant impact on protected species and wider ecology interests. However, development of the site would lead to a net loss in biodiversity, which should be compensated for to satisfy the requirements of NPPF paragraph 170(d). This could be achieved through an off-site contribution towards habitat improvements, secured by Section 106 agreement.
68. In line with Policy H14 of the Teesdale Local Plan and the advice of the Council's Housing Section a minimum of 20% Affordable Housing would be required on the site to be split (80% - 20%) between affordable rent and affordable home ownership. This is in accordance with the aims of NPPF paragraph 50 to deliver a wide choice of homes and widen opportunities for home ownership to create sustainable, inclusive and mixed communities. The applicant has supplied correspondence which states they are willing to make this provision, secured by Section 106 agreement.
69. In line with Policy H1A developments of 10 or more dwellings should make appropriate provision towards open space. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities. An off-site contribution would be appropriate in this case, calculated against the latest Open Space Needs Assessment (OSNA) and the applicant has suggested they would be willing to meet such a requirement, secured by Section 106 agreement.

CONCLUSION

70. It is accepted that the housing policies of the Teesdale Local Plan are out-of-date, which engages paragraph 11 of the NPPF. However, regardless of whether the Council can demonstrate a 5 year land supply, there are specific policies in the NPPF which indicate that development should be restricted, in particular those concerned with conserving and enhancing designated heritage assets. These are circumstances where the presumption in favour of sustainable development does not apply.
71. For the reasons set out in this report, it has been concluded that the development proposal would cause harm to both the character and appearance of the area and the

immediate setting of the grade II listed Bridgewater Arms, a designated heritage asset.

72. Whilst the harm to the designated heritage asset would be classed as less than substantial, the NPPF requires that great weight is given to the designated heritage asset's conservation, regardless of the degree of harm, and therefore this harm carries considerable weight. In such circumstances the NPPF requires the harm to be weighed against the public benefits of the proposal.
73. The public benefits of the proposal would include the provision of new homes along with some economic benefits arising through their construction and subsequent support of services in the wider vicinity by future occupants. The provision of affordable homes would be an additional social benefit. Together, these public benefits carry some weight.
74. Nevertheless, the harm to the significance of designated heritage assets, specifically to that which The Bridgewater Arms derives from its setting, would be considerable and needs to be afforded great weight. This harm would not be outweighed by the public benefits. When the identified landscape harm is also considered, the adverse impacts of the development are further demonstrated to significantly and demonstrably outweigh the benefits.
75. The lack of harm in respect of the other identified issues, as well as the contributions to open space and habitat improvements are neutral factors not benefits.
76. Therefore, for the reasons set out above, it is concluded that the development would harm the character and appearance of the area and the significance of designated heritage assets, contrary to Teesdale Local Plan policies GD1, ENV3, ENV10 and BENV3, as well as the NPPF, and is therefore recommended for refusal.

RECOMMENDATION

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

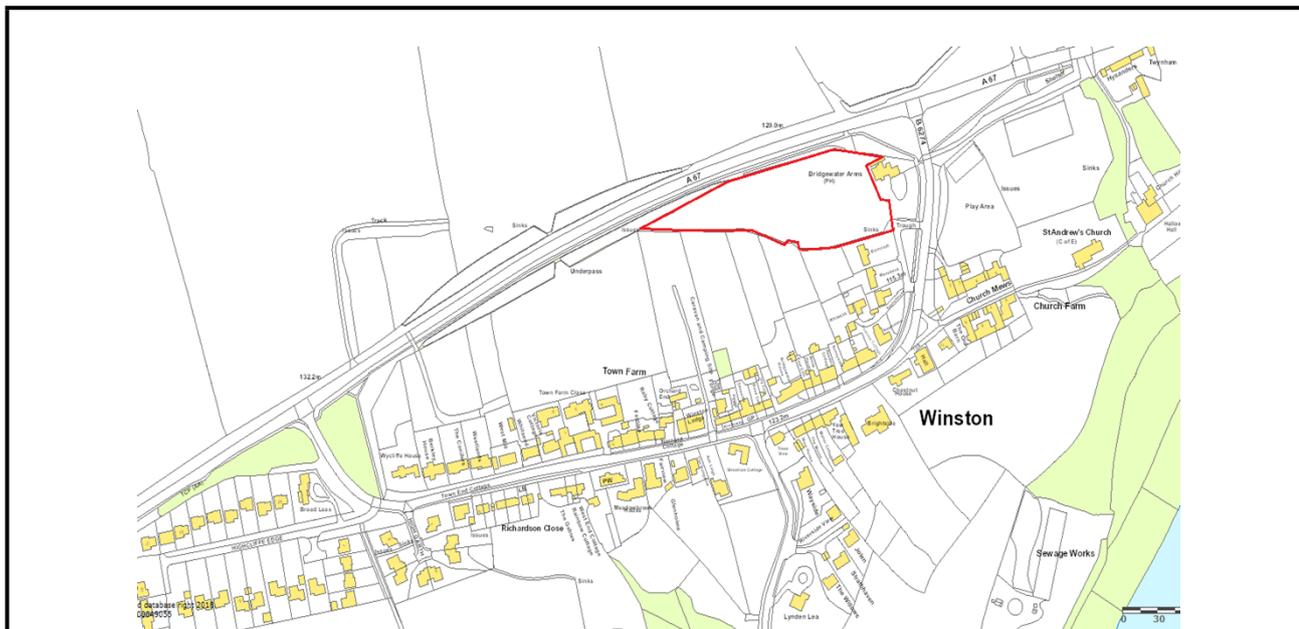
1. The development would have a harmful effect on the character and appearance of the area and setting of the grade II listed Bridgewater Arms, a designated heritage asset by eroding the rural character of an area which is important to the landscape setting of Winston, as well as to the setting and thereby significance of the Bridgewater Arms Public House. This is contrary to Teesdale Local Plan Policies GD1 (Bb & I), ENV3, ENV10 (B & D) and BENV3, as well as paragraphs 170(a & b), 184, 190 and 193 of the NPPF. It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the development plan and the NPPF considered as a whole.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

BACKGROUND PAPERS

Submitted application form, plans supporting documents
 The National Planning Policy Framework (2018)
 National Planning Practice Guidance Notes
 Teesdale Local Plan
 The County Durham Plan (Submission Draft)
 County Durham Settlement Study 2012
 All consultation responses received



Outline 16 no. dwellings all matters reserved



Planning Services

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18th October 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/04028/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved. (Revised 9th August 2018).
NAME OF APPLICANT:	Toft Hill Ltd
ADDRESS:	Land At Holme Farm Toft Hill Bishop Auckland DL14 0QQ
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Graham Blakey, Senior Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to agricultural fields north of the A68 / Castlefields, west of Chesnut Court / Southfield Drive estate and south of Holme Farm, all part of the village of Toft Hill. Toft Hill is formed primarily from linear, ribbon development associated with the A68, now a main thoroughfare between Darlington and the South up to Scotland. Toft Hill was largely formed following expansion of housing associated with the industrial revolution and spread along what is now the A68 between High Etherley and collieries to the west. Today, Toft Hill forms part of the High Etherley / Low Etherley / Toft Hill collection of settlements where the built form has coalesced. Recent housing development (since the late 1980s) has seen significant expansion of both villages through the Southfield Drive and Red Houses estates which have pushed away from the historic, linear development along the main roads of the area.
2. As the name suggests, Toft Hill occupies a prominent position at elevation along a hill top ridge between the Wear and Gaunless valleys, with land sloping gradually to the north where the application site is located before increasing in steepness north of Holme Farm. The agricultural nature of the application site results in open vistas from the A68 and from the public footpaths to the north (Footpath No. 42, Etherley) and through the site (Footpath No. 43, Etherley). The site is framed to the south by a stone wall and layby parking with occasional mature trees that lie within the gap between

buildings to the north of the A68. Castlefields, a brownfield windfall housing site, would occupy the southern boundary of the application site where the properties present rear garden boundary treatments formed 2 metre high close boarded fencing. The eastern boundary is formed of an access track with stone wall boundaries leading from the A68 up to Holme Farm to the north, which also separates the application site from the housing to the east. The western boundary of the application site is currently open and forms part of the wider agricultural field, with further fields to the west and north.

3. The site lies 1.9km from the Lower Linburn Valley Local Wildlife Site to the northwest. The Linburn Wood ancient woodland occupies the same area, with Deborah Wood ancient woodland lying 1.5km to the southeast. Both areas being located down slope from the application site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage assets are Houghton House, grade II listed 550 metres to the west, and St Cuthbert's Church, its war memorial and rectory, all grade II listed 4-550 metres east beyond the Southfield Drive Estate.

The Proposal

4. This application is a resubmitted proposal that seeks outline planning permission, with all matters reserved, except for access, for the erection of up to 22 dwellings. The application has been amended during the course of its consideration to reduce the number of dwellings proposed down from 50 to 22. A previous application for 100 dwellings at the site was refused and subsequently dismissed on appeal by the Planning Inspectorate (application ref: DM/17/00518/OUT). In its revised form, the application site would now have approximately 15 metres of frontage on to the A68 to provide vehicular access with the application site boundary running perpendicular away from the A68 north and to intersect the footpath across the field (No. 43, Etherley). The housing developments of Castlefields and Southfield Drive would still form the southern and eastern boundaries, with the Holme Farm access track lying to the eastern boundary.
5. An indicative site plan indicates that the proposed housing would now sit between the Castlefields estate and the public footpath. An access road would run from the A68 north alongside Osbourne Bungalow and three dwellings of Castlefields, turning north east and running parallel with the public footpath. No landscaping buffer is now proposed, with swales or other over-ground surface water drainage infrastructure forming the site boundary to the access road and public footpath. A revised parking layby arrangement is proposed as a result of taking access from the A68 that would see the layby extended westward alongside the A68 and northward into the field to facilitate visibility from the new vehicular access. Parking is also proposed to the stretch of access road to the west of Castlefields. The public footpath would be retained to the north of the site.
6. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

7. In 2016, planning permission was refused for the formation of a new entrance / gateway and access road to Holme Farm from the same point of access (ref: DM/16/02886/FPA).

8. In 2017, planning permission was refused for the erection of up to 100 dwellings on a larger site that encompassed this application site (ref: DM/17/00518/OUT). The application was considered to have poor access to services and facilities leading to a greater reliance upon the private motor car and there would be adverse landscape impacts that would significantly and demonstrably outweigh the benefits of providing new housing in this location.
9. A subsequent appeal was dismissed, with the Inspector considering that the impact upon the landscape was significant enough to outweigh the benefits of the development. The Inspector regarded the surrounding landscape as open in character and that the need for structure planting to screen the proposed development pointed to an adverse landscape impact. Similarly, the loss of highway trees adjacent to the A68 layby were considered to further impact upon the immediate landscape character. Contrary to the Council's refusal reasons, the Inspector concluded that the application site was in a sustainable location.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). 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 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 Delivering a sufficient supply of homes* – To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient

amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

15. *NPPF Part 6 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 a low carbon future.
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *NPPF Part 12 Achieving Well-Designed Places* - 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.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

23. 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; climate change; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application;; flood risk and coastal change; health and well-being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; renewable and low carbon energy; travel plans, transport assessments and statements, use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Teesdale District Local Plan (TDLP) (2002)

24. *Policy GD1 – General Development Criteria.* States that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
25. *Policy ENV1 – Protection of the Countryside.* Within the countryside developments will be permitted for: agriculture, rural diversification, forestry, nature conservation, tourism, recreation, local infrastructure and existing countryside uses. Proposals must not harm landscape and wildlife.
26. *Policy ENV10 – Development Affecting Trees and Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss to protected or mature trees and hedgerows which contribute to local amenity.
27. *Policy ENV12 – Protection of Agricultural Land.* Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
28. *Policy ENV15 – Development Affecting Flood Risk.* Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
29. *Policy ENV17 – Sewerage Infrastructure and Sewage Disposal.* Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.
30. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building.* Development which would adversely affect the character of a listed building or its setting will not be permitted.
31. *Policy BENV11 – Sites of Archaeological Interest.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably

harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.

32. *Policy H1A – Open Spaces within Developments.* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with the minimum standards.
33. *Policy H3 – Housing Developments on Sites of More Than 0.4 Hectare.* States that development will be permitted on sites over 0.4 hectare, comprising previously developed land, within the development limits of identified settlements.
34. *Policy H6 – New Housing in the Countryside.* A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
35. *Policy H14 – Provision of Affordable Housing with Developments.* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
36. *Policy T2 – Traffic Management and Parking.* Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in appendix 2, except in areas where the provisions of Policy T3 apply.
37. *Policy T7 – Public Transport.* Public transport services and infrastructure growth will be encouraged, in particular through implementation of criterion U of Policy GD1 and through its policies relating to the location of developments.
38. *Policy T8 – Encourage Cycling.* Cycling will be encouraged within the administrative boundary, and provision for off-road cycle routes will be pursued.

RELEVANT EMERGING POLICY:

The County Durham Plan

39. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Highway Authority* – A reduction in housing numbers from the original scheme would retain the view that the proposed development would not be considered to have a significant impact upon the surrounding highway network. However, the changes to the A68 layby arrangement as a result of the appeal decision to the 100 dwelling proposal have had knock-on effects for highway safety. The need to retain the 2no. highway trees has resulted in a reduction in the number of vehicles that could be accommodated in the layby. It is also no longer a single, continuous layby, and is now proposed as three distinct laybys. An option to provide these to the access road is considered unworkable, and unlikely to be utilised by residents and passing motorists. In conclusion, diverting or reducing spaces away from the A68 highway, and the dwellings opposite, which also give rise to the existing lay-by's demand, is not considered acceptable.
41. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the proposed drainage strategy, including foul water drainage.
42. *Drainage and Coastal Protection* – Raise no objection. Source controls are welcomed, and more detail would be required by condition.

INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – In this part of County Durham, the statutory development plan currently comprises the 'saved' elements of the Teesdale District Local Plan 2002 (TDLP). The Council, through the revised NPPF and Standard Methodology for calculating housing supply figures, considers it has a housing supply in excess of 5 years as required by Paragraph 73 of the NPPF. However, as the planning policies in the development plan are out-of-date with respect to the housing figures that underlie them, determination of this application therefore reverts to Paragraph 11 of the NPPF.
44. Saved Policies GD1, H1A, H14, ENV1, ENV10, ENV12, ENV15, ENV17, BENV3, BENV11, T2, T7 and T8 remain relevant when considering those aspects of the scheme. Policy 3 is also relevant in so far as it defines the extent of the existing built up area, albeit that weight should not necessarily be afforded to this in determining the proposal. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
45. The site itself (part of) was assessed within the Strategic Housing Land Availability Assessment (SHLAA) and harm was identified in respect of landscape and visual impact, intrusion into the countryside, and accessibility to shops, services and facilities by non-car modes of transport. These represent the identified harm which must be taken into account in applying paragraph 11 of the NPPF.
46. *Design and Conservation* – Raise no objection in principle. The setting of Houghton House, grade II listed, to the west of the application site would undoubtedly be altered by the proposals, despite the presence of modern agricultural buildings (which could be removed at any time). In terms of considering this impact in relation to the NPPF the level of harm would not justify refusal in its own right. More widely, the impacts upon the landscape and streetscene from this development would remain, and unless these can be successfully addressed no support can be offered for this proposal.
47. *Landscape* – Concerns are raised over the wider landscape impacts from the development as a result of the encroachment in to the countryside. It is noted that the two highway trees are to be retained, which is a positive, however, the wider landscape impacts persist.

48. *School Places and Admissions Manager* – A development of 22 houses could produce an additional 7 primary pupils and 3 secondary pupils. The development is in the Howden and Witton pupil place planning area and the primary school relevant to the development is Toft Hill Primary School. There are no places to accommodate the pupils from this development therefore we would request £102,921 as a contribution towards additional teaching accommodation. There are sufficient secondary school places available.
49. *Ecology* – Raise no objections. Officers consider that the principles of the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with regard to protected species. The re-worked mitigation strategy provided together with ensuring that the amount of open space on site is deliverable should be requirements secured by condition.
50. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted Phase 1 report outlines a suitable methodology for the Phase 2 site assessment and this should be required for agreement by condition.
51. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. Impacts at the construction phase would be considered to cause negative impacts upon residents if not mitigated against, therefore a condition requiring the submission of a construction management plan is required.
52. *Environment, Health and Consumer Protection (Air Quality)* – Raises no objections. The revised 22 unit scheme would have lesser impacts than the original scheme for 100 units and so there is not considered to be an impact upon air quality at the operational phase of the development.
53. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested.
54. *Access and Public Rights of Way* – Raise no objections noting that there is a public footpath (No. 43, Etherley) which runs adjacent to the application site. The path is noted on the indicative site plan and needs to be accommodated in the final layout.

PUBLIC RESPONSES:

55. The application was advertised within the press, on site and letters were sent to neighbouring properties. In total 67 objections have been received to date. In summary, the issues raised were:

Principle of the Development

- There are insufficient facilities and amenities to sustain the current population, let alone a further 22 houses.
- Only one public house, one primary school, part time doctors surgery and no shop or post office – information out of date.
- Nearest shop is 2.5 miles (either West Auckland or Holmes garage). There is nowhere to buy a pint of milk, a newspaper or a loaf of bread, despite the errors of the Transport Assessment (Table 2).
- The site is not sustainable in other than an increase in single person trips in personal cars, as the local community has no retail, poor local transport infrastructure and basically no facilities that are accessed on foot. Current observations support this and there is no reason for this to change.

- Oversupply of Housing – within the village there are already homes up for sale and rent so there is a plentiful supply of housing already without the need for new houses being built. This indicates a saturated housing market even now.
- Unreliable bus service to Bishop Auckland (taking 30 minutes) which does not run after 8pm or on Sundays or Bank Holidays. Does not go to West Auckland or St Helen Auckland (new shopping area).
- There is no bus service to villages such as Ramshaw or Woodland where the primary schools do have capacity, so people would be reliant on private cars.
- Other brownfield sites in the area are available for development and should be built upon first.
- Other sites in the area are yet to be completed, the Council needs to allow these to reach completion and assess the available properties in the area before allowing new housing.
- Walking out of the village is not even possible due to unsuitable footpaths and street lighting recently removed.
- At present time there is no demand for extra houses in the village. There are several houses up for sale and to rent in the village which now outnumber the units proposed as part of this application.
- Revised NPPF (2018) sets out new methodology for the calculation of housing requirements for each Local Authority whereby authorities with no up-to-date plan should utilise the Government's Standard Method to calculate annual housing requirement. At 1,368 houses per year when assessed against the Council's committed sites there would be no need to develop this site to meet housing requirements.

Visual Impact

- Planting trees and bushes will not hide this 'housing estate' so it remains damaging to the rural and visually prominent landscape around Toft Hill.
- Proposed development would result in loss of more greenspace in the area, and an importance open space within the village that would adversely affect the character of the village.
- The houses built in the Castlefields development replaced industrial facilities. If the houses were not built, the land could have been used for another industrial use or become derelict. The proposed new development would be built on grassland.
- It would be a highly visible and visually harmful feature across the field for a considerable length. It would unreasonably harm the rural landscape and fail to contribute positively to making this part of the countryside better for villagers.
- Area is outside the previous limit of development in Toft Hill and Etherley.
- Urbanisation of the village detracting from the historic rural character.
- Lots of new housing proposed to brownfield sites in the Bishop Auckland area, so greenfield sites should be protected for the good of the environment and community.
- Loss of views from existing neighbouring properties would have an impact upon residents and upon property prices.
- Impact upon the mature trees to highway verge would risk the impact upon the street scene in the medium to long term.

Highways

- A68 runs through Toft Hill and is extremely busy, reducing the scheme to 50 then 22 houses will still cause major issues on this already busy road as the surrounding network cannot cope with the additional vehicles.

- A68 / B6282 junction is a bottleneck at rush hour. Transport Assessment acknowledges that “additional delays at this junction would be experienced” but “not deemed that these would form a severe, cumulative impact”. Sorry, but almost all residents of Toft Hill and motorists who drive through it would hold the exact opposite opinion, that the increased traffic from this development would have significant effects on traffic flows and waiting times at junctions.
- Parking is a problem along the A68, with cars parked on footpaths and roads causing problems for passing cars and pedestrians.
- Issue of parking and traffic has been taken to the Houses of Parliament by the local MP in response to residents concerns.
- Construction traffic would have a significant increase upon these problems, with workers cars parked on the A68 preventing residents and causing further traffic problems to the A68.
- Recent incidents – removal of school crossing patrol, van crashing into a home on Toft Hill causing structural damage, car smashing into Doctors surgery.
- New access – previous planning permission for a new access to Holme Farm from the position proposed was refused planning permission in November 2016 on highways safety and visual impact grounds.
- Visibility from proposed new access would remain be poor, with parked cars to either side of the access likely and opposite, likely to cause even more accidents.
- Cyclists – visibility would impact upon the safety of cyclists on the A68.
- Emergency vehicles regularly experience delays due to doubled parked resident’s vehicles (which have nowhere else to park).
- Unsafe as it is for children to walking to and from school, 20mph limit near school already campaigned for.
- Removal of the layby opposite housing on Toft Hill where residents park vehicles, likely to cause more accidents due to the poor layout of the adjoining new road and cause more parking on pavements obstructing pedestrians and road users (TDLP Policy GD1 (D) and (Q)).
- Travel Plan – figures are unrealistic (amounts to less than 1 car per household leaving on a morning). Most will be 2 car + families.
- Bypass – is urgently needed to accommodate the existing traffic flows, adding 50 new homes should be secured alongside the bypass.
- Mud and dirty dragged out on to the road by construction traffic, wheel washing and daily road cleaning would be required.
- Access to Southfield Drive has been poorly thought out in the past and this development will make this worse through increased traffic.
- Impact upon the level of off-street parking provided to existing residents as the current layby would be impacted, reducing parking available to residents and leading to more cars parked on footpaths causing obstructions to pedestrians and road users. Contrary to TDLP Policy GD1 (a), (d), (i) and (q), and NPPF Paragraph 109.
- Traffic management put in place around Kynren events in nearby Bishop Auckland have led to an increase in traffic through the village, particularly on Friday and Saturday evenings.

Amenity

- Noise from passing traffic to the A68 is already at its maximum, this development will add more vehicles and so more noise.
- Location of proposed access route is in close proximity to the adjacent residential properties and Castlefields is likely to lead to unreasonable impacts of the living conditions through noise and disturbance from vehicle activity. This is contrary to TDLP GD1.

- Dust and emissions from the development, at both construction and operational phases, would impact upon amenity and health of nearby residents.
- Anti-social behaviour from the informal play area located close to the rear of the Castlefields estate.
- Toft Hill has limited access to recreational land any development should incorporate substantial recreational use. The footpath through the grassland provides one of the only open spaces in Toft Hill to walk away from the traffic on the A68. It is heavily used by villagers.

Education

- Capacity – the village primary school is full or close to full and would be unable to cope with the additional children moving into the area.
- Any extension would likely be built upon the school playground, leaving the children nowhere to play.
- Problems could be caused to existing parents who cannot secure places in the primary school and to children who would be taught in higher volume classes.
- No school crossing patrol – Council will not provide funding for a patrol as it is.

Others

- Field is already poorly drained and this will make new footings a difficulty if not impossible. Developers of Castlefields ran in to drainage trouble when building that development. Concerns that development would lead to flooding of other properties further down slope / stream.
- Air quality concerns in regard to users of the PROW from increased traffic as a result of the proposed development.
- Concerns over the ability of the development to be accommodated by basic utilities – electricity, sewerage, broadband, etc.
- PROW crosses the site, this needs to be addressed within the proposed scheme.
- Investment in utility infrastructure required to cope with development, as current infrastructure incapable of sustaining existing demand.
- Local wildlife would lose habitat and also suffer from pollution and increased risk from additional traffic through the village to the roads adjacent to the site.
- Impact upon health from pollution and air quality to walkers of the PROW in the area who walk the route through the application site.

56. *Councillor Heather Smith* (Evenwood Electoral Division) considers that the 22 dwelling scheme still results in an encroachment into the countryside. The village does not have access to a reasonable number of services and that the bus transport in Toft Hill is poor, resulting in a greater use of the private car. Accidents do occur along the busy A68 where the development would take access. The primary school and doctors in the village are both at capacity and unable to sustain this level of additional housing, and that the proposals should be refused accordingly.

57. *Etherley Parish Council* advise their views have not altered with regard to the re-submission, and recommend refusal of the application. The main concerns include development into the countryside that would intensify housing within a village that has no amenities / facilities to support further largescale housing. Traffic volume is high in the village from the A68 and road safety is a major issue for the community, this development will add to this. The local school is full to capacity and cannot accommodate this development. Finally, the loss of the on-street parking layby space is a vital facility for existing residents.

APPLICANTS STATEMENT:

58. When considering paragraph 73 of the revised National Planning Framework (NPPF) the council does not currently have a five-year housing land supply, therefore policies which seek to control the delivery and distribution of new housing are not up-to-date and cannot be considered in the determination of the application. Therefore, the application has to be considered in context of paragraph 11, clause (d) and footnote 7 of the NPPF.
59. As such, the revised NPPF is clear in its direction that there should be a presumption in favour of sustainable development (paragraphs 10 and 11) and “decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).”
60. The revised NPPF provides clear guidance that proposals for housing applications should be considered against the three objectives of sustainable development and not just as against the tests of the Development Plan. It is clear in advising that the sustainability benefits of a housing development are a material consideration which should be given due-regard and weighting by the determining authority. This approach is clearly outlined through recent appeals that are included as within the appendices to this statement.
61. Taking the above into consideration, this statement has identified that the proposal comprises sustainable development and that it would not result in any significant adverse impacts that demonstrably outweigh the benefits which arise from the scheme. The benefits to the scheme are outlined below:
- The proposal would provide much needed housing in an area which lacks a five-year housing land supply and therefore provide dwellings to meet the needs of present and future generations in a sustainable location.
 - In accordance with the current requirements, the applicant will discuss the provision of 15% affordable housing with the council. This would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix of the area.
 - The proposal would contribute to the delivery of objectively assessed market housing within the district.
 - The properties would be built to modern building regulations requirements and therefore provide excellent thermal performance through insulation and heating systems, helping to ensure the proposal is contributing towards carbon savings and the move to a low carbon economy.
 - The proposed development would generate employment opportunities in construction and in other sectors linked to the construction market. There would also be ongoing maintenance costs and services required by the occupants which would supplement the local economy.
 - The proposal would support social infrastructure, providing a contribution towards education facilities.
 - The scheme will provide housing in close proximity to services, facilities and employment opportunities. Additionally, the occupants would shop and live locally; therefore, ensuring that local services have a greater catchment population to serve.
 - This site represents an entirely logical and acceptable location for accommodating additional housing growth in Toft Hill and Etherley and the wider Durham County Council area.

- The revised proposal takes into account the previous planning application's landscape and visual concerns. Thus, a layout that is more in-keeping with the settlement pattern and built form is now proposed, which is distinctive to the settlement.
62. The proposed development is considered to be commensurate with both local and national planning policies, and represents a sustainable location for development.

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

63. 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 advice within 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, highway safety, landscape impact, layout and design, affordable housing, residential amenity, ecology, public open space, flood risk and drainage, heritage impacts and other issues.

The Principle of the Development

The Development Plan

64. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

The NPPF

65. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

- ii. 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.

Five Year Housing Land Supply

66. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'* Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
67. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
68. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land, contrary to the view of the applicants at paragraph 58 of this report.
69. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

70. The site is located to the northern side of the settlement of Toft Hill, falling outside of the settlement limits defined by TDLP Policy H3 and thereby in conflict with the policy. Given the age of the TDLP and housing supply figures that informed it, the restriction of housing by settlement limits is informed in part by housing requirements for a period which has since passed. Consequently, the Policy is considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policy reduced as a result. However, Paragraph 213 of the NPPF concludes that out-of-date policies should not be considered irrelevant, but that the amount of weight given to the policy varied in accordance with their consistency with the NPPF. The restrictive nature of Policy H3 is not consistent with the NPPF, however, as set out later in this report, there is a need to assess the proposals against TDLP Policy GD1 as required by Policy H3 particularly in relation to the landscape impact of the proposed development.
71. Consequently, 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 NPPF policies that protect areas or

assets of particular importance which provide a clear reason for refusal. This planning balance is undertaken at the end of this report in light of considering all material considerations.

Locational Sustainability of the Site

72. The County Durham Plan Settlement Study (2018) is an evidence based document whose scoring matrix rates Toft Hill as part of the 'Etherley Cluster'. These small to medium sized villages will have access to a minimal set of services and limited employment opportunities.
73. The planning statement provided by the applicant outlines that the greater Toft Hill / Etherley settlement grouping to encompass the Toft Hill Primary School, The Sportmans' Inn public house, Etherley Methodist Church, St Cuthbert's Church and Etherley Cricket Club. The statement outlines that the bus stops are located to the A68 at no greater than 160 metres from the site entrance point. Upon further investigation by officers, bus travel is noted as being possible from these stops, via High and Low Etherley to the Town Centre of Bishop Auckland, 3.6 miles (5.75km) by direct road link from the application site. The bus service runs hourly (No. 86) from roughly 6.30am until 9pm Monday to Saturday, with no services on Sundays or bank holidays.
74. Paragraphs 108 and 110 of the NPPF set out that development proposals should promote sustainable transport modes, prioritising pedestrian, cycling and access to public transport. TDLP Policies T7 and T8 encourage the use of public transport and cycling through new development. TDLP Policy GD1 includes similar requirements to encourage sustainable travel and also looks to ensure that new development should not generate unacceptable levels of traffic on the local road network. Both policies are considered to be consistent with the NPPF.
75. From the application site, Toft Hill Primary School is located at a walking distance of approximately 450 metres from the entrance to the site, with Bishop Auckland Town Centre and its range of services is 5.75km away. Tindale Crescent, an area of newer retail development that would attract future residents of this development is between Bishop Auckland and St. Helen Auckland to the south east of Toft Hill, and sits 3.26 miles away (5.25km). No direct, regular public transport option to Tindale Crescent is currently possible, with anybody wanting to travel between Toft Hill and Tindale Crescent needing to travel via Bishop Auckland.
76. Local residents have raised several concerns over the quantity and quality of the local bus service. Similarly, the lack of employment opportunities within the village is limited due to the poor level of service provision, with opportunities within the wider area (such as Darlington, Durham, Crook) without direct access by public transport also being limited. However, the Inspector as part of the planning appeal for the 100 dwelling scheme found that the hourly bus service was sufficient in planning terms. Accordingly, it must follow that a scheme for 22 dwellings would be considered adequately served by public transport so as to provide alternative means of transport for future occupiers of the site.
77. Of the services within the Toft Hill / Etherley grouping, these are all accessible via the highway network or a network of public rights of way to the north of the application site, albeit only the highway network guaranteeing lighting of these linkages. This would discourage private car use to some degree, again offering some weight in favour of the sustainability of the proposals. However, the highway network features an inter-region main road (A68) which runs from Darlington in the south to Edinburgh in the north, and is the main road in the area. Residents cite traffic to be heavy at times and

of varying sized vehicles, with Heavy Goods Vehicles a regular feature in their experience. Accessing Toft Hill Primary School on foot would require crossing of the A68.

78. Remaining policies within the TDLP that are of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
79. Overall, it is considered that while walking distances to key facilities such as the primary school and public house are possible, future residents would have to travel some distance to access employment and major services. However, Toft Hill is connected by a bus service that has been considered by the Planning Inspector to be of adequate frequency to provide the application site with a suitable public transport option. Therefore, the application site and proposal is, in accordance with the previous appeal decision, considered to display some sustainability credentials, and as such would be in compliance with TDLP Policies GD1, T7, T8, and Paragraphs 108 and 110 of the NPPF in this regard.

Highway Safety and Access

80. Paragraph 108 of the NPPF seeks, amongst other things, to ensure that safe and suitable access can be achieved for all users and, that any significant impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. TDLP Policy GD1 (Q) similarly requires development to provide adequate and safe access to new development, and so this part of the policy is considered to be consistent with the NPPF. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
81. 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. The Highway Authority found when determining the 100 dwelling proposals that, while the development would lead to additional delays at the A68 / B6282 junction in the village at peak times, alternative proposals for junction improvements had their own drawbacks or would be difficult to implement. On balance, they concluded that the additional peak time delays would not be considered a severe cumulative impact upon the highway network, and so could not be refused under Paragraph 109 of the NPPF (previously Paragraph 32). Consequently, it therefore follows that a much reduced scheme of 22 dwellings would have a reduced impact on the highway network, such that the development is considered to comply with Paragraph 109 of the NPPF and TDLP Policy GD1 (R).
82. A previous planning application (ref: DM/16/02886/FPA) was refused for the creation of a farm access in the same location as proposed in this application for housing development. The first application (ref: DM/17/00518/OUT) for the erection of up to 100 dwellings proposed a new access to the A68 at the eastern part of the existing highway layby, resulting in a need to extend the layby westward. Consequently, this involved the removal of two trees within the highway that are adjacent to the layby. This proposed scheme was considered by the Highway Authority to be satisfactory. At appeal, the Inspector considered that the loss of the two highway trees would have an unacceptable landscape and visual impact upon views from the A68, and as a result, this revised scheme for 22 dwellings has sought to retain the trees at the same time as creating the proposed access to the development as before.

83. It is now proposed that the extended layby be broken into three separate sections with the kerb line adjusted out to accommodate the retention of the two highway trees. Furthermore, the application now proposes an additional layby to the access road into the site that lies beside Castlefields. The lay-by would be extended westwards by 40 metres and to maintain visibility to the west along the A68 a set-back from the carriageway edge nearest the proposed junction is required resulting in the need to move the layby northward into the field.
84. Extensive dialogue has subsequently taken place between the Highway Authority and the applicant's highway consultant on this aspect of the proposals during the course of the application. The Highway Authority has stated that the proposed three stage layby would result in a reduction in the number of vehicles that could be parked when compared to the current single, linear layby. The provision of the new layby within the site is noted, and it would likely form part of the adopted highway infrastructure of the new development, however, this would be unlikely to be utilised by residents living opposite the site and less likely by passing traffic along the A68. As a result, the Highway Authority consider that the proposals would be unacceptable as they would not provide equal numbers of parking adjacent to A68 in mitigation for the proposed new access, leading to an adverse impact upon highway safety contrary to TDLP Policy GD1 (Q) and Paragraph 108 of the NPPF.

Landscape Impact, Layout and Design

85. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area, whilst TDLP Policy ENV10 seeks to avoid unreasonable loss or harm to protected or mature trees. This is reflected in Parts 12 and 15 of the NPPF which also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
86. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is therefore considered that full weight can be afforded to TDLP Policies GD1, H12 and ENV10 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.
87. Landscape officers note that the site lies within a Landscape Improvement Area as defined in the Durham Landscape Strategy, but not within any nationally or locally designated landscapes. The site is characterised by a strong, urban edge with dwellings, and their gardens and boundaries forming the edge of the settlement to the application site boundary. This amended scheme now proposes dwellings to the north of Castlefields and between the public footpath and the houses only, with the access road leading up the western side of Castlefields to the site. A landscape masterplan is included with the submission of the application to help provide detail to some of the concerns regarding landscape impact that were raised during the previous application and the subsequent appeal.
88. The masterplan includes provision for swales running to the west of the access road up to the site and to the north of the public footpath running east-west, with the public footpath running alongside the estate access road where the two intersect. Previously, Landscape officers had raised significant concerns over the impact of the proposed

development upon the wider landscape and the longer distance views that users of the public footpath network around the site currently enjoy, and to a lesser extent the drivers along the A68. Following the appeal decision, which was dismissed on account of the concern that development of the site would unacceptably harm the character and appearance of the surrounding area, the applicant has sought to address these concerns through this revised scheme.

89. Officers consider that a reduced number of dwellings would inherently lead to a reduced landscape impact from the originally proposed 100 unit scheme. However, Landscape officers still consider that the proposals would result in a harmful impact on the character and appearance of the area. The Inspector in determining the previous appeal placed significant importance upon the 'valuable views' that are available from lane to the eastern boundary of the application site. Users of this bridleway (Footpath No. 51, Etherley) to the east of the site currently experience the clearest views across the site, and across the Wear Valley beyond, from the southern part of the bridleway. Holme Farm and the topography in its vicinity play a role in screening views of the wider Wear Valley the further north along the bridleway user's travel. The site therefore marks a key transitional point at which the tightly built-up character of the settlement gives way to the rural landscape which forms the wider setting of Toft Hill. These amended proposals would still restrict longer distance views from the lane to the east of the site and would fundamentally and, harmfully, still alter the character of the open countryside at the edge of the settlement.
90. In addition, users of Public Footpath 43 (Etherley) currently experience walking across the centre of an open field. This is a very different experience to that of walking along the edge of a housing development, which is what the experience would become were this application to be approved. The current boundary between this field and the western edge of Castlefields is close boarded fencing. While this is not an ideal rural boundary, it is at least a sharp one. The proposal would effectively introduce a road and parking into the field, which further extends and reinforces the built edge of the settlement through an encroachment into the countryside that would again harmfully affect the character of village in this location.
91. In broad landscape terms, the proposed scheme for 22 dwellings would still result in significant impacts upon the surrounding area and restricting longer distance views from the edge of the settlement. The scheme subsequently results in a harmful incursion into the open countryside that fundamentally alters the character and appearance of the area and therefore remains in conflict with TDLP Policies GD1 (I) and H12, and Parts 12 and 15 of the NPPF.
92. Landscape officers previously raised concerns that the visual impact of the development would be exacerbated by the proposed loss of two mature roadside trees in order to create the proposed vehicular access. The applicant has now revised the proposed access arrangements to facilitate the retention of the two highway trees. Notwithstanding the impact of their retention in highway terms, the proposals would now accord with TDLP Policy ENV10 in this regard.

Affordable Housing

93. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 60 of the NPPF encourages the provision of affordable housing based on evidenced need, where Local Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations" and "where affordable housing is needed, set policies for meeting this need on site". The up-to-date evidence in the Strategic Housing Market Assessment establishes a requirement for 15% provision in West Durham, amounting to 3 dwellings in this case,

in a mix of affordable rent and affordable home ownership (i.e. discounted sale). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 (as amended).

Residential Amenity

94. TDLP Policy GD1 requires that development should not disturb or conflict with adjoining uses, and also not compromise public health. This Policy is considered NPPF compliant, with Paragraph 127 stating that planning should always seek to secure a good standard of amenity for existing and future user, create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
95. Despite being an outline application, an indicative site layout and landscape masterplan have been provided primarily in response to the previous application and appeal. Ultimately, 'layout' is not a matter applied for again in this case and so the proposals presented can only be considered indicative for the purposes of demonstrating that the proposed number of houses can be erected within the confines of the application site. However, Officers consider that the site could accommodate the amount of development proposed whilst ensuring adequate privacy and amenity for both existing and prospective occupiers.
96. The Council's Environmental Health officer has noted that the omission of housing from the A68 frontage would reduce the impacts from road traffic noise upon the prospective future occupiers of the housing. However, during the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable from development. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount.
97. With regard to air quality, the application is accompanied by an air quality risk assessment which finds that the impact of the development upon air quality during the construction and once occupied would contain be 'negligible'. Therefore, no perceptible impacts would be likely to occur.
98. Consequently, the proposal is considered to adhere to TDLP Policy GD1 and Paragraph 127 and Part 15 of the NPPF in regard to residential amenity.

Ecology

99. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. TDLP Policy GD1 seeks to protect the ecology of the plan area, and is consistent with Part 15 of the NPPF in this regard. There are no designated areas which border the site or within 2km of the site boundaries. An ecology appraisal has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site or the development being a risk to the protected species are low. The report also concluded that no further survey work was required. Ecology officers have considered the content of the submitted information and has advised that the findings are sound. As there

would not be a disturbance to an Ecologically Protected Site (EPS), there is no need to consider whether an EPS Licence would be likely to be granted.

100. In terms of biodiversity interests, an amended Ecology Appraisal has been submitted which includes suitable mitigation and a compensation strategy, which Ecology officers consider is acceptable. The proposals therefore accord with NPPF Part 15 and TDLP Policy GD1.

Public Open Space

101. TDLP Policy H1A seek to ensure adequate provision of open space and recreation space is provided in new housing development. This Policy is considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
102. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the indicative proposed layout, it is considered that the development accommodates 0.41ha of open space which is formed primarily from the proposed swales and sewer easement landscaping areas. A condition could be imposed to require the delivery of the open space. As a reduced scheme of 22 dwellings, the amount of open space required by developments of this nature is also lower, and in this case the amount of open space proposed on site is considered to meet the requirements for the OSNA (2018).
103. Overall therefore, the proposals are considered to accord with TDLP Policy H1A and Paragraph 96 of the NPPF with regards to the provision of public open space.

Flood Risk and Drainage

104. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. TDLP Policy ENV15 states that development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted. This policy is considered to be NPPF compliant and can continue to be afforded significant weight.
105. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is located within Flood Zone 1 with a low flood risk possibility. The FRA identifies that the site is at low risk of flooding from fluvial, groundwater and overland flows due to the elevated nature of the site close to the watershed.
106. With regards to how the development would address drainage, the FRA outlines a source control methodology which is in line with the Council's Sustainable Urban Drainage Systems Adoption Guidance. Swales and overland drainage channels are proposed to be located to the western and northern peripheries of the application site. Overall, a discharge rate linked to the greenfield run-off rate calculation is proposed and would infiltrate to into the ground via a soakaway.

107. Drainage and Coastal Protection officers have indicated that they welcome the adherence to the Surface Water Management Train, but that the detail of the scheme and the infiltration of surface water run-off should be confirmed via a geo-technical site investigation report.
108. The development proposes to follow appropriate aspects of the Council's surface water management train and so would provide a suitable scheme of surface water drainage in principle that the development would meet the required greenfield run-off rate. Full details of the proposed drainage scheme would therefore be considered at reserved matters stage. On balance, the proposed scheme of surface water disposal is acceptable and compliant with TDLP Policy ENV15 and Part 14 of the NPPF.

Heritage Impacts

109. The application site does not lie within a designated heritage asset. The closest designated heritage asset is Houghton House, a grade II listed building situated approximately 450m away to the west. In assessing the proposed development regard must be had to the statutory duties imposed on the Local Planning Authority under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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. If harm is found, any such harm must be given considerable importance and weight by the decision-maker.
110. Design and Conservation officers note the farm house at Houghton House is surrounded by farm development and that the impact upon the setting of the designated heritage asset is minimal at this distance. In terms of non-designated heritage assets, none have been identified within the immediate vicinity of the site. Design and Conservation officers raise no objections to the proposal.
111. Paragraph 196 of the NPPF states that the impact of an application upon the significance of a 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 there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance TDLP Policy BENV3 and Part 16 of the NPPF.

Other Issues

112. A formal public footpath (No. 43, Etherley Parish) crosses the site from west to east and would be required to be accommodated and improved through new surfacing, and in parts adopted highway footpath, with no objections in principle offered by Access and Rights of Way officers.
113. The School Places Manager has advised that there are sufficient places at secondary schools in the vicinity of the development; however, there would be no space available for primary aged pupils in the vicinity. As such, a development of 22 dwellings would generate 7 primary school pupils and as such, a contribution of £102,921 would be required to facilitate the expansion of nearby Toft Hill Primary School. The applicant has confirmed that they would make such a financial contribution by way of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
114. A phase 1 ground investigation report has been provided by the applicant in response to the proposed sensitive end use of the site. The report has identified a suitable

methodology and outlined an appropriate scope for the site investigation works. Environmental Health and Consumer Protection officers raised no objection to the proposal. The proposed development therefore complies with Paragraphs 170 and 178 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.

Planning Balance

115. As a result of TDLP policies for the supply of housing being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

116. Whilst the development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date, the Council can, however, demonstrate in excess of 6 years housing land supply against an objectively assessed need, and accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
117. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing. The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
118. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

Adverse Impacts

119. The proposed development would be an incursion into the countryside which, despite further attempts to mitigate, would result in adverse landscape harm to an area of open countryside that is considered to be significant.
120. Creation of the proposed access to the site would result in changes to the current roadside layby arrangement and the reduction in the number of parking spaces to the layby from the existing position that would lead to more parking on-street to the detriment of highway safety.

CONCLUSION

121. On the basis that housing land supply policies are considered out-of-date, the proposal should be determined with regard to Paragraph 11 of the NPPF, whereby the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
122. As set out above, the proposed development is considered to result in an unacceptable incursion in to the countryside and resultant impact upon the landscape character of

the surrounding area contrary to TDLP Policies GD1 (I) and H12. The revisions to the A68 layby to accommodate the retention of the highway trees would result in an overall reduction in the number of parking spaces available to existing residents of Toft Hill opposite. Collectively, it is considered that such adverse impacts would significantly and demonstrably outweigh the marginal benefits identified above.

123. The proposal has generated significant public interest and 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:

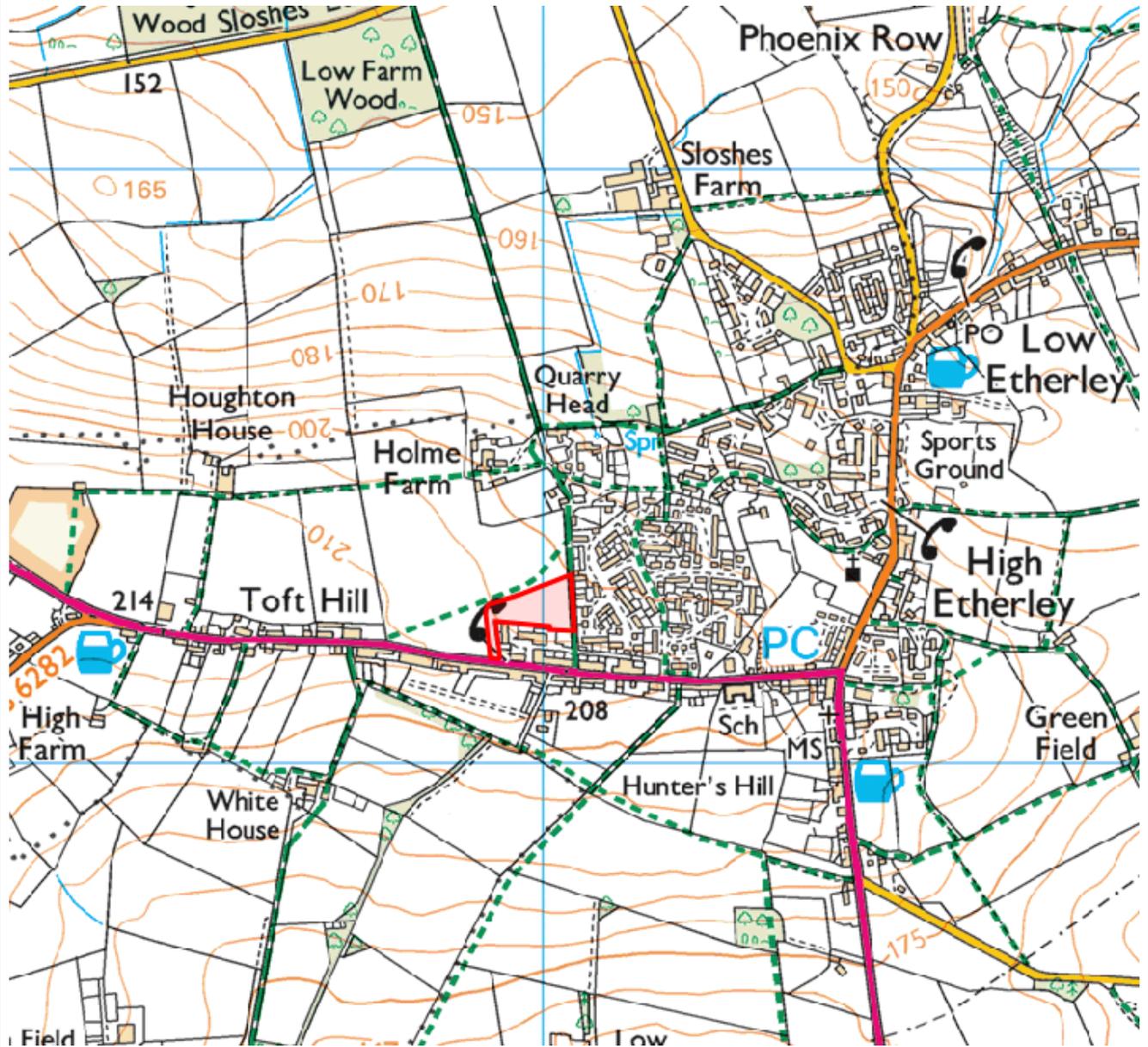
The proposed development would result in a significant adverse landscape impact and detrimental impact upon highway safety, that would significantly and demonstrably outweigh the benefits in the context of Paragraph 11 of the NPPF, and accordingly, the proposals are considered contrary to Policies GD1 and H12 of the Teesdale District Local Plan and Parts 9, 12 and 15 of the NPPF.

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 (2018)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance
- Teesdale District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/17/04208/OUT

Outline application for residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved. (Revised 9th August 2018).

Land At Holme Farm, Toft Hill, Bishop Auckland

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Comments

Date Oct 2018

Scale Not to scale